
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Criminal Procedure (Amendment) (Scotland) Act 2004 (“the 2004 Act”) and the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) which are ancillary to the provisions of the 2004 Act.

Section 9 of the 2004 Act is amended to clarify that new section 81(5) of the 1995 Act applies in relation to solemn cases in the sheriff court (article 3(2)).

Section 10(3) of the 2004 Act is amended to ensure that the provisions of section 92(2B)(b) and (2E) of the 1995 Act relating to the court appointing a solicitor to act for the accused in his absence do not apply where section 288E of the 1995 Act applies or where an order is made under section 288F(2) of that Act because in those circumstances section 288D of the 1995 Act makes provision relating to the appointment by the court of a solicitor to act for the accused. (article 3(3)).

Article 3(4) clarifies that intimation of an application for a change of bail address may be sent to the local procurator fiscal and that this will satisfy the requirement to intimate to the Crown Agent.

Article 3(5) corrects a reference in paragraph 50(b) of the schedule of the 2004 Act to “the relevant time” which should have been to “the required time”.

Article 4(2) corrects a consequential error in the numbering of the 1995 Act.

Article 4(3) amends section 71 of the 1995 Act to clarify that a court at the first diet must deal with child witness notices and vulnerable witness applications that have been appointed to be dealt with at that diet.