



Criminal Procedure (Scotland) Act 1995

CHAPTER 46

CRIMINAL PROCEDURE (SCOTLAND) ACT 1995

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- 217 Fines: supervision pending payment.
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- 223G Requests from other member States: return of certificate
- 223H Requests from other member States: procedure on receipt of certificate
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- 223J Requests from other member States: application of provisions in relation to fines
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227 Caution.

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- 227A Community payback orders
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- 227C Community payback order: responsible officer
- 227D Community payback order: further provision
- 227E Requirement to avoid conflict with religious beliefs, work etc.
- 227F Payment of offenders' travelling and other expenses

Offender supervision requirement

227G Offender supervision requirement

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227H Compensation requirement

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- 227I Unpaid work or other activity requirement
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- 227K Allocation of hours between unpaid work and other activity
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- 227M Fine defaulters
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227P Programme requirement

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- 227Y Applications to vary, revoke and discharge community payback orders
- 227Z Variation, revocation and discharge: court's powers
- 227ZA Variation of community payback orders: further provision
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- 227ZC Breach of community payback order
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- 227ZE Restricted movement requirement
- 227ZF Restricted movement requirement: effect
- 227ZG Restricted movement requirements: further provision
- 227ZH Variation of restricted movement requirement
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- 227ZJ Restricted movement requirements: Scottish Ministers' functions
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- 227ZL Local authorities: annual consultations about unpaid work

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- 227ZM Annual reports on community payback orders

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- 227ZN Meaning of "the appropriate court"

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- 229 Probation orders: additional requirements.
- 229A Probation progress review
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- 230A Requirement for remote monitoring in probation order
- 231 Probation orders: amendment and discharge.
- 232 Probation orders: failure to comply with requirement.
- 233 Probation orders: commission of further offence.
- 234 Probation orders: persons residing in England and Wales.

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- 234A Non-harassment orders.

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- 234AA Antisocial behaviour orders
- 234AB Antisocial behaviour orders: notification
- 234B Drug treatment and testing order.

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- 234K Drug treatment and testing orders: interpretation.

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- 236 Supervised attendance orders in place of fines for 16 and 17 year olds.
- 237 Supervised attendance orders where court allows further time to pay fine.

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- 239 Community service orders: requirements.
- 240 Community service orders: amendment and revocation etc.
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- 242 Community service orders: persons residing in England and Wales.
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- 245K Community reparation orders
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- 264 Spouse or civil partner of accused a compellable witness
- 265 Witnesses not excluded for conviction, interest, relationship, etc.
- 266 Accused as witness.
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271A Child witnesses

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271W Appeal against the making of a witness anonymity order

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272 Evidence by letter of request or on commission.

273 Television link evidence from abroad.

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273A Television link evidence from other parts of the United Kingdom

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274 Restrictions on evidence relating to sexual offences.

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- 275 Exceptions to restrictions under section 274.
 275A Disclosure of accused's previous convictions where court allows questioning or evidence under section 275
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- Expert evidence as to subsequent behaviour of complainer*
- 275C Expert evidence as to subsequent behaviour of complainer in certain cases
- Biological material*
- 276 Evidence of biological material.
- Transcripts and records*
- 277 Transcript of police interview sufficient evidence.
 278 Record of proceedings at examination as evidence.
- Documentary evidence*
- 279 Evidence from documents.
- Evidence from certain official documents*
- 279A Evidence from certain official documents.
- Routine evidence*
- 280 Routine evidence.
 281 Routine evidence: autopsy and forensic science reports.
 281A Routine evidence: reports of identification prior to trial
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- 282 Evidence as to controlled drugs and medicinal products.
 283 Evidence as to time and place of video surveillance recordings.
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- 285 Previous convictions: proof, general.
 286 Previous convictions: proof in support of substantive charge.
 286A Proof of previous conviction by court in other member State

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 288 Intimation of proceedings in High Court to Lord Advocate.

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- 288BA Dockets for charges of sexual offences
- 288BB Mixed charges for sexual offences
- 288BC Aggravation by intent to rape

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- 288C Prohibition of personal conduct of defence in cases of certain sexual offences
- 288D Appointment of solicitor by court in such cases

Trials involving vulnerable witnesses

- 288E Prohibition of personal conduct of defence in certain cases involving child witnesses under the age of 12
- 288F Power to prohibit personal conduct of defence in other cases involving vulnerable witnesses

Application of vulnerable witnesses provisions to proceedings in the district court

- 288G aApplication of vulnerable witnesses provisions to proceedings in the district court

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- 289 Procedure and evidence in trials for treason.

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- 290 Accused's right to request identification parade.
- 291 Precognition on oath of defence witnesses.

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- 293 Statutory offences: art and part and aiding and abetting.
- 294 Attempt at crime.

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- 295 Legal custody.

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- 296 Warrants for search and apprehension to be signed by judge.
- 297 Execution of warrants and service of complaints, etc.
- 297A Re-execution of apprehension warrants

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- 298 Trial judge's report.

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- 298A Intimation of bills and of petitions to the nobile officium

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- 299 Correction of entries.
- 300 Amendment of records of conviction and sentence in summary proceedings.

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- 300A Power of court to excuse procedural irregularities

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- 301 Rights of audience.

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- 301A Recovery of documents

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- 302 Fixed penalty: conditional offer by procurator fiscal.
- 302A Compensation offer by procurator fiscal
- 302B Combined fixed penalty and compensation offer
- 302C Recall of fixed penalty or compensation offer
- 303 Fixed penalty: enforcement.
- 303ZA Work orders
- 303ZB Setting aside of offers and orders

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- 303A Transfer of rights of appeal of deceased person.

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- 305 Acts of Adjournal.
- 306 Information for financial and other purposes.
- 307 Interpretation.
- 308 Construction of enactments referring to detention etc.
- 308A Expressions relating to electronic proceedings
- 309 Short title, commencement and extent.

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SCHEDULE 1 — Offences Against Children Under the Age of 17 Years to which Special Provisions Apply

- 1 Any offence under Part I of the Criminal Law (Consolidation)...
- 1A Any offence under section 18 (rape of a young child)...
- 1B Any offence under section 19 (sexual assault on a young...
- 1C Any offence under section 20 (sexual assault on a young...

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- 1D Any offence under section 42 of that Act (sexual abuse...
 - 2 Any offence under section 12, 15, 22 or 33 of...
- 2A Any offence under the Prohibition of Female Genital Mutilation (Scotland)...
- 2B Any offence under section 52 or 52A of the Civic...
- 2C Any offence under section 1, 9, 10, 11 or 12...
 - 3 Any other offence involving bodily injury to a child under...
 - 4 Any offence involving the use of lewd, indecent or libidinous...
- 4A Any offence under section 5 (coercing a person into being...
- 4B Any offence under any of sections 21 to 26 or...

SCHEDULE 2 — Examples of Indictments

“A.B.(name and address, that given in the declaration being sufficient),...

SCHEDULE 3 — Indictments and Complaints

- 1 An accused may be named and designed—
- 2 It shall not be necessary to specify by any nomen...
- 3 It shall not be necessary to allege that any act...
- 4 (1) The latitude formerly used in stating time shall be...
- 5 The word “money” shall include cheques, banknotes, postal orders, money...
- 6 Any document referred to shall be referred to by a...
- 7 In an indictment which charges a crime importing personal injury...
- 8 (1) In an indictment or a complaint charging the resetting...
- 9 (1) Where two or more crimes or acts of crime...
- 10 (1) Under an indictment or, as the case may be,...
- 11 In an indictment or complaint charging a contravention of an...
- 12 In a complaint charging a contravention of an enactment—
- 13 In the case of an offence punishable under any enactment,...
- 14 Where— (a) any act alleged in an indictment or complaint...
- 15 Where the evidence in a trial is sufficient to prove...
- 16 Where, in relation to an offence created by or under...
- 17 It shall be competent to include in one indictment or...
- 18 In any proceedings under the Merchant Shipping Acts it shall...
- 19 In offences inferring dishonest appropriation of property brought before a...

SCHEDULE 4 — Supervision and Treatment Orders

Part I — PRELIMINARY

- 1 (1) In this Schedule “supervision and treatment order” means an...

Part II — MAKING AND EFFECT OF ORDERS

Circumstances in which orders may be made

- 2 (1) The court shall not make a supervision and treatment...

Making of orders and general requirements

- 3 (1) A supervision and treatment order shall specify the local...

Obligatory requirements as to medical treatment

- 4 (1) A supervision and treatment order shall include a requirement...

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Optional requirements as to residence

- 5 (1) Subject to sub-paragraphs (2) to (4) below, a supervision...
Part III — REVOCATION AND AMENDMENT OF ORDERS

Revocation of order in interests of health or welfare

- 6 Where a supervision and treatment order is in force in...

Amendment of order by reason of change of residence

- 7 (1) This paragraph applies where, at any time while a...

Amendment of requirements of order

- 8 (1) Without prejudice to paragraph 7 above, but subject to...

Amendment of requirements in pursuance of medical report

- 9 (1) Where the medical practitioner by whom or under whose...

Supplemental

- 10 (1) On the making under paragraph 6 above of an...
- 11 (1) On the making under paragraph 7 or 8 above...
- 12 On the making, revocation or amendment of a supervision and...

SCHEDULE 5 — Forms of Complaint and Charges

SCHEDULE 6 —

Discharge

- 1

Amendment

- 2
- 3
- 4

General

- 5
- 6

SCHEDULE 7 —

- 1
- 2
- 3
- 4
- 5
- 5A
- 6
- 7
- 8

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SCHEDULE 8 — Documentary Evidence in Criminal Proceedings

Production of copy documents

- 1 (1) For the purposes of any criminal proceedings a copy...

Statements in business documents

- 2 (1) Except where it is a statement such as is...
- 3 A statement in a document shall be admissible in criminal...

Documents kept by businesses etc.

- 4 Unless the court otherwise directs, a document may in any...

Statements not contained in business documents

- 5 (1) In any criminal proceedings, the evidence of an authorised...

Additional evidence where evidence from business documents challenged

- 6 (1) This sub-paragraph applies where— (a) evidence has been admitted...

General

- 7 (1) Nothing in this Schedule— (a) shall prejudice the admissibility...
- 8 In this Schedule— “business” includes trade, profession or other occupation;...

SCHEDULE 9 — Certificates as to Proof of Certain Routine Matters

SCHEDULE 9A — The Commission: Further Provisions

Membership

- 1 Her Majesty shall, on the recommendation of the Secretary of...
- 2 (1) Subject to the following provisions of this paragraph, a...

Members and employees

- 3 (1) The Commission shall— (a) pay to members of the...
- 4 (1) The Commission may appoint a chief executive and such...
- 5 The Commission shall pay to the Minister for the Civil...

Procedure

- 6 (1) The arrangements for the procedure of the Commission (including...

Evidence

- 7 A document purporting to be— (a) duly executed under the...

Annual reports and accounts

- 8 (1) As soon as possible after the end of each...
- 9 (1) The Commission shall— (a) keep proper accounts and proper...
- 10 For the purposes of this Schedule the Commission’s financial year...

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Expenses

11 The Secretary of State shall defray the expenses of the...

SCHEDULE 10 — Certain Offences Triable only Summarily

Night Poaching Act 1828 (c. 69)

1 Offences under section 1 of the Night Poaching Act 1828...

Public Meeting Act 1908 (c.66)

2 Offences under section 1(1) of the Public Meeting Act 1908...

Post Office Act 1953 (c. 36)

3

Betting, Gaming and Lotteries Act 1963 (c. 2)

4 Offences under the following provisions of the Betting, Gaming and...

Theatres Act 1968 (c.54)

5 Offences under section 6 of the Theatres Act 1968 (provocation...

Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)

6 Offences under section 12(1) of the Criminal Law (Consolidation) (Scotland)...

SCHEDULE 11 — FINANCIAL PENALTIES SUITABLE FOR ENFORCEMENT IN SCOTLAND

Person residing in Scotland

1 The financial penalty is suitable for enforcement in Scotland if...

Person having property etc. in Scotland

2 The financial penalty is suitable for enforcement in Scotland if—...

Person having property etc. in Scotland and England and Wales

3 (1) This paragraph applies if— (a) the certificate states that...

Person having property etc. in Scotland and Northern Ireland

4 (1) This paragraph applies if— (a) the certificate states that...

Person having property etc. in Scotland and England and Wales and Northern Ireland

5 (1) This paragraph applies if— (a) the certificate states that...

Interpretation

6 Where the person required to pay the financial penalty is...

7 In this Schedule, unless the context otherwise requires, references to...

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SCHEDULE 12 — GROUNDS FOR REFUSAL TO ENFORCE FINANCIAL PENALTIES

PART 1 — THE GROUNDS FOR REFUSAL

- 1 A penalty (of any kind) has been imposed on the...
- 2 A penalty (of any kind) has been imposed on the...
- 3 The decision was made in respect of conduct—
- 4 The decision to which the financial penalty relates was made...
- 5 The decision to which the financial penalty relates was made...
- 6 The certificate does not confirm that— (a) if the proceedings...
- 7 (1) The financial penalty is for an amount of less...

PART 2 — EUROPEAN FRAMEWORK LIST (FINANCIAL PENALTIES)

- 8 Participation in a criminal organisation.
- 9 Terrorism.
- 10 Trafficking in human beings.
- 11 Sexual exploitation of children and child pornography.
- 12 Illicit trafficking in narcotic drugs and psychotropic substances.
- 13 Illicit trafficking in weapons, munitions and explosives.
- 14 Corruption.
- 15 Fraud, including that affecting the financial interests of the European...
- 16 Laundering of the proceeds of crime.
- 17 Counterfeiting currency, including of the euro.
- 18 Computer-related crime.
- 19 Environmental crime, including illicit trafficking in endangered animal species and...
- 20 Facilitation of unauthorised entry and residence.
- 21 Murder, grievous bodily injury.
- 22 Illicit trade in human organs and tissue.
- 23 Kidnapping, illegal restraint and hostage-taking.
- 24 Racism and xenophobia.
- 25 Organised or armed robbery.
- 26 Illicit trafficking in cultural goods, including antiques and works of...
- 27 Swindling.
- 28 Racketeering and extortion.
- 29 Counterfeiting and piracy of products.
- 30 Forgery of administrative documents and trafficking therein.
- 31 Forgery of means of payment.
- 32 Illicit trafficking in hormonal substances and other growth promoters.
- 33 Illicit trafficking in nuclear or radioactive materials.
- 34 Trafficking in stolen vehicles.
- 35 Rape.
- 36 Arson.
- 37 Crimes within the jurisdiction of the International Criminal Court.
- 38 Unlawful seizure of aircraft or ships.
- 39 Sabotage.
- 40 Conduct which infringes road traffic regulations, including breaches of regulations...
- 41 Smuggling of goods.
- 42 Infringements of intellectual property rights.
- 43 Threats and acts of violence against persons, including violence during...
- 44 Criminal damage.
- 45 Theft.
- 46 Offences created by the issuing State and serving the purpose...

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PART 3 — INTERPRETATION

47 (1) In this Schedule— (a) “conduct” includes any...

— TABLE OF DERIVATIONS

1 *Notes:*

2 The following abbreviations are used in the Table:— Acts of...

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