



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XII

EVIDENCE

[^{F1}Identification procedures

Textual Amendments

- F1** S. 267B and preceding cross-heading inserted (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007](#) (asp 6), [ss. 34, 84](#); [S.S.I. 2007/479](#), [art. 3\(1\)](#), Sch. (as amended by [S.S.I. 2007/527](#))

267B Order requiring accused to participate in identification procedure

- (1) The court may, on an application by the prosecutor in any proceedings, make an order requiring the accused person to participate in an identification parade or other identification procedure.
- (2) The application may be made at any time after the proceedings have been commenced.
- (3) The court—
 - (a) shall (if the accused is present) allow the accused to make representations in relation to the application;
 - (b) may, if it considers it appropriate to do so (where the accused is not present), fix a hearing for the purpose of allowing the accused to make such representations.
- (4) Where an order is made under subsection (1) above, the clerk of court shall (if the accused is not present) have notice of the order effected as respects the accused without delay.
- (5) Notice under subsection (4) above shall (in relation to any proceedings) be effected in the same manner as citation under section 141 of this Act.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: Identification procedures is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (6) It is sufficient evidence that notice has been effected under subsection (5) above if there is produced a written execution—
- (a) in the form prescribed by Act of Adjournal or as nearly as may be in such form; and
 - (b) signed by the person who effected notice.
- (7) In relation to notice effected by means of registered post or the recorded delivery service, the relevant post office receipt requires to be produced along with the execution mentioned in subsection (6) above.
- (8) A person who, having been given due notice of an order made under subsection (1) above, without reasonable excuse fails to comply with the order is—
- (a) guilty of an offence; and
 - (b) liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a period not exceeding 12 months or to both.
- (9) For the purpose of subsection (5) above, section 141 of this Act is to be read with such modifications as are necessary for its application in the circumstances.
- (10) In this section, “the court” means—
- (a) in the case of proceedings in the High Court, a single judge of that Court;
 - (b) in any other case, any court with jurisdiction in relation to the proceedings.]

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Cross Heading: Identification procedures is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 44(5A)(5B) inserted by [2024 asp 5 s. 19\(2\)\(c\)](#)
- s. 49(1)-(1F) substituted for s. 49(1)-(3) by [2024 asp 5 s. 17\(2\)\(a\)](#)
- s. 49(4A)-(4C) inserted by [2024 asp 5 s. 17\(2\)\(c\)](#)
- s. 50(7) inserted by [2024 asp 5 s. 16\(2\)](#)
- s. 51(6)-(8) inserted by [2024 asp 5 s. 18\(2\)\(e\)](#)
- s. 70B and cross-heading inserted by [2024 asp 5 s. 16\(3\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 142A inserted by [2024 asp 5 s. 16\(5\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 175(1)(ca) words substituted by [2024 asp 5 Sch. para. 7\(4\)\(a\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 208A inserted by [2024 asp 5 s. 19\(6\)](#)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 216(8)-(11) inserted by [2024 asp 5 s. 19\(7\)](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- s. 288BZA inserted by [2024 asp 5 s. 33\(2\)](#)

- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)