



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XII

EVIDENCE

Hearsay

262 Construction of sections 259 to 261

- (1) For the purposes of sections 259 to 261 of this Act, a “statement” includes—
 - (a) any representation, however made or expressed, of fact or opinion; and
 - (b) any part of a statement,but does not include a statement in a precognition other than a precognition on oath.
- (2) For the purposes of the said sections 259 to 261 a statement is contained in a document where the person who makes it—
 - (a) makes the statement in the document personally;
 - (b) makes a statement which is, with or without his knowledge, embodied in a document by whatever means or by any person who has direct personal knowledge of the making of the statement; or
 - (c) approves a document as embodying the statement.
- (3) In the said sections 259 to 261—

“criminal proceedings” include any hearing by the sheriff of an application made under Chapter 3 of Part II of the Children (Scotland) Act 1995 for a finding as to whether grounds for the referral of a child’s case to a children’s hearing are established, in so far as the application relates to the commission of an offence by the child, or for a review of such a finding;

“document” includes, in addition to a document in writing—

 - (a) any map, plan, graph or drawing;
 - (b) any photograph;

Status: This is the original version (as it was originally enacted).

- (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
 - (d) any film, negative, tape, disc or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom;
 - “film” includes a microfilm;
 - “made” includes allegedly made.
- (4) Nothing in the said sections 259 to 261 shall prejudice the admissibility of a statement made by a person other than in the course of giving oral evidence in court which is admissible otherwise than by virtue of those sections.