

*These notes relate to the Criminal Procedure (Amendment) (Scotland)
Act 2004 (asp 5) which received Royal Assent on 4th June 2004*

CRIMINAL PROCEDURE (AMENDMENT) (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 - Miscellaneous and General

Section 20 - Sentence following guilty plea

161. [Section 20](#) amends section 196 of the 1995 Act, which applies across solemn and summary procedure.
162. Subsection (2) amends subsection (1) of section 196 so as to require the sentencing judge to take into account the stage at which the accused indicates his intention to plead guilty. At present the judge has a discretion to consider the issue when determining sentence, but is not required to do so.
163. Subsection (3) introduces a new subsection (1A) which requires the judge to state when passing sentence whether his consideration of the stage and circumstances in which a guilty plea was tendered has led him to impose a sentence different from that which the convicted person would otherwise have received. In effect, he is required to state whether a sentence discount has been given. Where the sentence has not been altered by that consideration, the judge is required to make that fact clear and give reasons for the decision not to discount.