

*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**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 4 - Miscellaneous and General**

##### ***Section 23 - Admissibility of prior statements of witnesses***

167. This section introduces a new subsection (5) into section 260 of the 1995 Act. Section 260 provides that in certain circumstances a prior statement by a witness may be admissible as any evidence of any matter stated in it of which oral direct evidence by a witness would be admissible if given in the course of criminal proceedings. There was some doubt as to whether the statement required to be included in the list of productions attached to the indictment. This new subsection is designed to remove that doubt and provides that the prior statement shall not be inadmissible only for the reason that it is not included in any list of productions.