



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 2

PROCEEDINGS

Summary procedure

12 Disclosure of convictions

- (1) In section 166 (previous convictions: summary proceedings) of the 1995 Act, in subsection (8)—
- (a) sub-paragraph (i) of paragraph (b), and
 - (b) the word “or” immediately following that sub-paragraph,
- are repealed.
- (2) After that section there is inserted—

“166A Post-offence convictions

Where a person is convicted of an offence on summary complaint, the court may, in deciding on the disposal of the case, have regard to any convictions which—

- (a) were imposed on the person between the date of the offence and the date of conviction in respect of the offence;
- (b) are specified in a notice laid before the court by the prosecutor; and
- (c) are—
 - (i) admitted by the person; or
 - (ii) proved by the prosecutor on evidence adduced then or at another diet.

Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 12. (See end of Document for details)

166B Charges which disclose convictions

- (1) Nothing in section 166 of this Act prevents—
- (a) the prosecutor leading evidence of previous convictions where it is competent to do so as evidence in support of a substantive charge;
 - (b) the prosecutor proceeding with a charge—
 - (i) which discloses a previous conviction; or
 - (ii) in support of which evidence of a previous conviction may competently be led,
 on a complaint which includes a charge in relation to which the conviction is irrelevant; or
 - (c) the court trying a charge—
 - (i) which discloses a previous conviction; or
 - (ii) in support of which evidence of a previous conviction may competently be led,
 together with a charge on another complaint in relation to which the conviction is irrelevant.
- (2) But subsections (1)(b) and (c) above apply only if the charges are of offences which—
- (a) relate to the same occasion; or
 - (b) are of a similar character and amount to (or form part of) a course of conduct.
- (3) The reference in subsection (1)(c) above to trying a charge together with a charge on another complaint means doing so under section 152A of this Act.”.

Commencement Information

- II** S. 12 wholly in force at 10.3.2008; s. 12 not in force at Royal Assent, see s. 84; s. 12(1) in force and s. 12(2) in force for certain purposes at 10.12.2007 by S.S.I. 2007/479, art. 3, Sch.; s. 12(2) otherwise in force at 10.3.2008 by S.S.I. 2008/42, art. 3, Sch. (subject to savings in art. 5)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 12.