



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

2007 asp 6

## PART 2

### PROCEEDINGS

#### *Solemn cases*

#### 27 **Obstructive witnesses**

(1) In section 90B of the 1995 Act, after subsection (2) there is inserted—

“(2A) Whenever the court makes an order under subsection (1) above, it shall state the reasons for the terms of the order.”.

(2) In section 90C (breach of bail under section 90B(1)(b)) of that Act, after subsection (2) there is inserted—

“(2A) In any proceedings in relation to an offence under subsection (1) above, the fact that (as the case may be) a person—

- (a) was on bail;
- (b) was subject to any particular condition of bail;
- (c) failed to appear at a diet;
- (d) was cited to a diet,

shall, unless challenged by giving notice of a preliminary objection in accordance with section 71(2) or 72(6)(b)(i) of this Act, be held as admitted.”.

(3) In section 90D (review of orders under section 90B(1)(a) or (b)) of that Act—

- (a) in subsection (1), the words “, on cause shown” are repealed,
- (b) in subsection (2)(a), the words “and on cause shown” are repealed,
- (c) in subsection (3), for the words “(2)(b) above unless the” there is inserted

“(1) or (2) above unless—

- (a) in the case of an application by the witness, the circumstances of the witness have changed materially; or

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*Status: This is the original version (as it was originally enacted).*

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(b) in that or any other any case, the witness or”.