



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

2007 asp 6

PART 2

PROCEEDINGS

Miscellaneous

34 Participation in identification procedures

After section 267A of the 1995 Act there is inserted—

“Identification procedures

267B Order requiring accused to participate in identification procedure

- (1) The court may, on an application by the prosecutor in any proceedings, make an order requiring the accused person to participate in an identification parade or other identification procedure.
- (2) The application may be made at any time after the proceedings have been commenced.
- (3) The court—
 - (a) shall (if the accused is present) allow the accused to make representations in relation to the application;
 - (b) may, if it considers it appropriate to do so (where the accused is not present), fix a hearing for the purpose of allowing the accused to make such representations.
- (4) Where an order is made under subsection (1) above, the clerk of court shall (if the accused is not present) have notice of the order effected as respects the accused without delay.

Status: This is the original version (as it was originally enacted).

- (5) Notice under subsection (4) above shall (in relation to any proceedings) be effected in the same manner as citation under section 141 of this Act.
- (6) It is sufficient evidence that notice has been effected under subsection (5) above if there is produced a written execution—
- (a) in the form prescribed by Act of Adjournal or as nearly as may be in such form; and
 - (b) signed by the person who effected notice.
- (7) In relation to notice effected by means of registered post or the recorded delivery service, the relevant post office receipt requires to be produced along with the execution mentioned in subsection (6) above.
- (8) A person who, having been given due notice of an order made under subsection (1) above, without reasonable excuse fails to comply with the order is—
- (a) guilty of an offence; and
 - (b) liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a period not exceeding 12 months or to both.
- (9) For the purpose of subsection (5) above, section 141 of this Act is to be read with such modifications as are necessary for its application in the circumstances.
- (10) In this section, “the court” means—
- (a) in the case of proceedings in the High Court, a single judge of that Court;
 - (b) in any other case, any court with jurisdiction in relation to the proceedings.”.