



# Vulnerable Witnesses (Scotland) Act 2004

## 2004 asp 3

### PART 1

#### CRIMINAL PROCEEDINGS

##### *Evidence of identification prior to trial*

#### **4 Evidence of identification prior to trial**

After section 281 of the 1995 Act there is inserted—

##### **“281A Routine evidence: reports of identification prior to trial**

- (1) Where in a trial the prosecutor lodges as a production a report naming—
- (a) a person identified in an identification parade or other identification procedure by a witness, and
  - (b) that witness,
- it shall be presumed, subject to subsection (2) below, that the person named in the report as having been identified by the witness is the person of the same name who appears in answer to the indictment or complaint.
- (2) That presumption shall not apply—
- (a) unless the prosecutor has, not less than 14 clear days before the trial, served on the accused a copy of the report and a notice that he intends to rely on the presumption, or
  - (b) if the accused—
    - (i) not more than 7 days after the date of service of the copy of the report, or
    - (ii) by such later time as the court may in special circumstances allow,has served notice on the prosecutor that he intends to challenge the facts stated in the report.”.