



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 4

### EVIDENCE

#### 91 Television link evidence

- (1) The 1995 Act is amended as follows.
- (2) In section 273 (television link evidence from abroad), in subsection (1), for “solemn” substitute “criminal”.
- (3) After that section insert—

*“Evidence from other parts of the United Kingdom*

#### **273A Television link evidence from other parts of the United Kingdom**

- (1) In any criminal proceedings in the High Court or the sheriff court a person other than the accused may give evidence through a live television link if—
  - (a) the witness is within the United Kingdom but outside Scotland,
  - (b) an application under this section for the issue of a letter of request has been granted, and
  - (c) the court is satisfied as to the arrangements for the giving of evidence in that manner by that witness.
- (2) The prosecutor or the defence in any proceedings referred to in subsection (1) may apply for the issue of a letter of request.
- (3) The application must be made to a judge of the court in which the trial is to take place or, if that court is not yet known, to a judge of the High Court.
- (4) The judge may, on an application under this section, issue a letter to a court or tribunal exercising jurisdiction in the place where the witness is ordinarily resident requesting assistance in facilitating the giving of evidence by that

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*Status: This is the original version (as it was originally enacted).*

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witness through a live television link, if the judge is satisfied of the matters set out in subsection (5).

- (5) Those matters are—
- (a) that the evidence which it is averred the witness is able to give is necessary for the proper adjudication of the trial,
  - (b) that the granting of the application—
    - (i) is in the interests of justice, and
    - (ii) in the case of an application by the prosecutor, is not unfair to the accused.”.