



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

An Act to consolidate certain enactments relating to criminal procedure in Scotland. [8th November 1995]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

- E1** Act extends to Scotland; for sections extending to England and Wales, Northern Ireland and the Isle of Man, see s. 309(3)-(6).

Modifications etc. (not altering text)

- C1** Act modified (1.4.1997) by [S.I. 1996/3255, reg. 5](#)
- C2** Act amended (temp. from 1.4.1996) by 1995 c. 40, ss. 4, 7(2), [Sch. 3 Pt. II para. 5](#)
- C3** Act extended (S.) (1.4.1996) by 1995 c. 40, [ss. 1, 2\(2\), 7\(2\)](#)
- C4** Act excluded (S.) (1.4.1996) by 1995 c. 39, [ss. 46\(3\), 53\(2\)](#)
- C5** Act construed (S.) (1.4.1996) with 1995 c. 39, [ss. 43\(2\), 53\(2\)](#)
- C6** Act applied (3.7.2001) by [S.I. 2001/1701, reg. 17, Sch. 13 para. 14\(3\)](#);
Act applied (20.11.2002) by [Copyright, Designs and Patents Act 1988 \(c. 48\), ss. 114B\(6\), 204B\(6\), 297D\(6\)](#) (as inserted by [Copyright, etc. and Trade Marks \(Offences and Enforcement\) Act 2002 \(c. 25\), ss. 3, 4, 5; S.I. 2002/2749, art. 2](#))
Act applied (7.3.2005) by [The Electromagnetic Compatibility Regulations 2005 \(S.I. 2005/281\), reg. 98\(3\)](#)
Act applied (S.) (5.10.2005) by [The Mental Health \(Cross border transfer: patients subject to detention requirement or otherwise in hospital\)\(Scotland\) Regulations 2005 \(S.S.I. 2005/467\), {reg. 46\(1\)}](#)
Act modified (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\), ss. 43\(1\), 55\(1\); S.S.I. 2006/482, art. 2](#) (subject to art. 4)
- C7** Act modified (12.12.2007) by [Animal Welfare Act 2006 \(c. 45\), ss. 49\(1\), 68](#) (with ss. 1(2), 58(1), 59, 60); [S.S.I. 2007/519, art. 2](#)
- C8** Act modified (S.) (10.3.2008, 2.6.2008, 8.12.2008, 23.2.2009, 14.12.2009 and 22.2.2010 for certain purposes, otherwise prosp.) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\), ss.](#)

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Introductory Text is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

62(8), 84; S.S.I. 2008/42, **art. 3**, Sch.; S.S.I. 2008/192, **art. 3**, Sch.; S.S.I. 2008/362, **art. 3**, Sch.; S.S.I. 2009/432, **art. 3**, Schs. 1, 2

Act: power to apply conferred (S.) (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), **ss. 64(5)**, 84; S.S.I. 2007/479, **art. 3(1)**, Sch. (as amended by S.S.I. 2007/527)

Act: power to modify conferred (S.) (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), **ss. 64(6)(7)**, 84; S.S.I. 2007/479, **art. 3(1)**, Sch. (as amended by S.S.I. 2007/527)

- C9** various regulations applied by 1997 c. 43, Sch. 1 para. 19B (as inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 7** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u))
- C10** Act power to apply (with or without modifications) conferred by 2002 c. 29, s. 118(2B)(c) (as inserted (1.3.2016) by Serious Crime Act 2015 (c. 9), **ss. 19(1)(b)**, 88(2)(a); S.S.I. 2016/11, reg. 2(d) (with reg. 3))
- C11** 136(3) applied (31.12.2020) by The Guinea (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/1145), regs. 1(2), **34(4)(a)**; S.I. 2020/1514, reg. 3(2)
- C12** Act modified (5.11.2021) by 1953 c. 28, s. **2(1A)** (as inserted by Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021 (asp 18), **ss. 2(1)**, 7(2) (with s. 2(2)))

Commencement Information

- I1** Act wholly in force on 1.4.1996, see s. 309(2)

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Introductory Text is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)