



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XII

#### EVIDENCE

##### *Special capacity*

#### 255 Special capacity.

Where an offence is alleged to be committed in any special capacity, as by the holder of a licence, master of a vessel, occupier of a house, or the like, the fact that the accused possesses the qualification necessary to the commission of the offence shall, unless challenged—

- (a) in the case of proceedings on indictment, by giving notice of a preliminary objection [<sup>F1</sup>in accordance with section 71(2) or 72(6)(b)(i)] of this Act; or
- (b) in summary proceedings, by preliminary objection before his plea is recorded, be held as admitted.

#### Textual Amendments

- F1** Words in s. 255(a) substituted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), ss. 25, 27(1), [Sch. para. 38](#); S.S.I. 2004/405, [art. 2](#), Sch. 1 (with savings in arts. 3-5)

**Status:**

Point in time view as at 01/02/2005.

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Cross Heading: Special capacity is up to date with all changes known to be in force on or before 26 March 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.