



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART IV

PETITION PROCEDURE

Judicial examination

37 Judicial examination: record of proceedings

- (1) The prosecutor shall provide for a verbatim record to be made by means of shorthand notes or by mechanical means of all questions to and answers and declarations by the accused in examination, or further examination, under sections 35 and 36 of this Act.
- (2) A shorthand writer shall—
 - (a) sign the shorthand notes taken by him of the questions, answers and declarations mentioned in subsection (1) above and certify the notes as being complete and correct; and
 - (b) retain the notes.
- (3) A person recording the questions, answers and declarations mentioned in subsection (1) above by mechanical means shall—
 - (a) certify that the record is true and complete;
 - (b) specify in the certificate the proceedings to which the record relates; and
 - (c) retain the record.
- (4) The prosecutor shall require the person who made the record mentioned in subsection (1) above, or such other competent person as he may specify, to make a transcript of the record in legible form; and that person shall—
 - (a) comply with the requirement;
 - (b) certify the transcript as being a complete and correct transcript of the record purporting to have been made and certified, and in the case of shorthand notes signed, by the person who made the record; and
 - (c) send the transcript to the prosecutor.

Status: This is the original version (as it was originally enacted).

- (5) A transcript certified under subsection (4)(b) above shall, subject to section 38(1) of this Act, be deemed for all purposes to be a complete and correct record of the questions, answers and declarations mentioned in subsection (1) above.
- (6) Subject to subsections (7) to (9) below, within 14 days of the date of examination or further examination, the prosecutor shall—
- (a) serve a copy of the transcript on the accused examined; and
 - (b) serve a further such copy on the solicitor (if any) for that accused.
- (7) Where at the time of further examination a trial diet is already fixed and the interval between the further examination and that diet is not sufficient to allow of the time limits specified in subsection (6) above and subsection (1) of section 38 of this Act, the sheriff shall (either or both)—
- (a) direct that those subsections shall apply in the case with such modifications as to time limits as he shall specify;
 - (b) subject to subsection (8) below, postpone the trial diet.
- (8) Postponement under paragraph (b) of subsection (7) above alone shall only be competent where the sheriff considers that to proceed under paragraph (a) of that subsection alone, or paragraphs (a) and (b) together, would not be practicable.
- (9) Any time limit mentioned in subsection (6) above and subsection (1) of section 38 of this Act (including any such time limit as modified by a direction under subsection (7) above) may be extended, in respect of the case, by the High Court.
- (10) A copy of—
- (a) a transcript required by paragraph (a) of subsection (6) above to be served on an accused or by paragraph (b) of that subsection to be served on his solicitor; or
 - (b) a notice required by paragraph (a) of section 38(1) of this Act to be served on an accused or on the prosecutor,
- shall be served in such manner as may be prescribed by Act of Adjournal; and a written execution purporting to be signed by the person who served such transcript or notice, together with, where appropriate, the relevant post office receipt shall be sufficient evidence of service of such a copy.