

ACT OF ADJOURNAL (CRIMINAL PROCEDURE RULES) 1996 SI 1996/513

SCHEDULE 2

CRIMINAL PROCEDURE RULES 1996

PART VI Evidence

CHAPTER 23A TELEVISION LINK EVIDENCE FROM ABROAD

Application for television link evidence from abroad

23A.1 (1) An application to the court by the prosecutor or the defence under section 273(2) of the Act of 1995 shall be by petition in Form 23A.1-A and shall be accompanied by a letter of request in Form 23A.1-B.

(2) Such an application made to the High Court may be disposed of by a single judge of that court.

(3) The High Court or the sheriff, as the case may be, shall-

(a) order intimation on the other party or parties to the proceedings;

(b) subject to paragraph (4), allow such time for lodging answers as appears appropriate; and

(c) fix a diet for hearing the petition and answers (if any).

(4) The High Court or the sheriff as the case may be, may dispense with answers to the petition on cause shown.

Powers of the court in applications

23A.2 (1) The High Court or the sheriff, as the case may be, may, after considering the petition and any answers to it, grant the petition with or without modification or refuse it.

(2) On granting the petition, the High Court or the sheriff, as the case may be, shall-

(a) pronounce an order approving the terms of the letter of request to be sent; and

(b) if English is not an official language of the body to which the letter is addressed, specify a period within which a translation of the letter is to be lodged.

Expenses

23A.3 (1) The solicitor for the petitioner or, if he is unrepresented, the petitioner shall be liable for the expenses of the petition for the issue of a letter of request.

(2) The High Court or the sheriff, as the case may be, may order the solicitor for the petitioner, or the petitioner, to consign into court such sum in

respect of those expenses as may be specified, and on or before such date as may be specified, in the order.

(3) In the event of the sum so specified not being consigned into court on or before the date so specified, the petition shall be treated as having been abandoned.

Transmission of letters of request

23A.4 (1) On-

(a) the High Court or the sheriff, as the case may be, pronouncing an order under rule 23A.2(2), or

(b) in a case where a translation requires to be lodged, on the lodging of the translation,

the Clerk of Justiciary or the sheriff clerk, as the case may be, shall send the letter of request to the Lord Advocate for transmission to the body to which the letter of request is addressed.

(2) The Clerk of Justiciary or sheriff clerk, as the case may be, shall note, on the petition, record copy of the indictment or in the minute of proceedings, the date on which the letter of request was sent to the Lord Advocate for transmission and shall intimate that date to all parties concerned.

Procedural diet

23A.5 (1) On receipt of confirmation that the court, tribunal or other authority to which a letter of request was transmitted will provide assistance in facilitating the giving of evidence through a live television link, the Clerk of Justiciary or sheriff clerk, as the case may be, shall fix a procedural diet in accordance with paragraph (2) and shall intimate that diet to all parties concerned.

(2) The procedural diet shall be fixed for a date which is before the date on which the evidence is to be given by television link.

(3) The accused shall not require to be present at the procedural diet.

(4) At the procedural diet, the judge or sheriff, as the case may be, shall make inquiries as to whether or not arrangements are in place to facilitate the giving of evidence through a live television link.