

## CRIMINAL COURTS

### PRACTICE NOTE

No. 1 of 2014

#### **Reference to prior statements of witnesses**

The tendency for practitioners conducting trials to put the terms of prior statements to witnesses during examination or cross-examination, when these statements have not been lodged as productions, continues to increase. It is recognised that the need to refer to a statement may arise unexpectedly during a trial, and that proceedings should not be unduly interrupted. However, where it is intended to contradict or extend the evidence of a witness by reference to such a statement, a copy should be made available in advance to the presiding judge or sheriff so that he or she can continue to monitor the fairness of the proceedings by reference to the questions asked.

*Brian Gill*

Lord Justice General

Edinburgh

6 January 2014