

Chapter 16: Schedules of Relevant Information in Solemn Proceedings

16.1 Introduction to the Scheduling System

16.1.1 In order for the system of disclosure to function correctly, the Crown and investigating agencies must carry out certain distinct functions:

“The duty of the police is simply one of investigation under the supervision of the Procurator Fiscal and the results of the investigation are communicated to the Procurator Fiscal as the inquiries progress...as they are the sole investigators and no more than investigators, it is their duty to put before the Procurator Fiscal everything which may be relevant and material to the issue of whether the suspected party is innocent or guilty...it is not for the police to decide what is relevant and material but to give all the information which may be relevant or material” (Smith v HMA 1852 SC 66 at 71).

16.1.2 As stated in Chapter 3 of this Manual, the police or other investigating agency must, as soon as practicable after first appearance, provide the Crown with the details of all the information that may be relevant to the case for or against the accused that they are aware of which has been obtained (by them or otherwise) during the course of investigating the matter to which the appearance relates (Criminal Justice and Licensing (Scotland) Act 2010 section 117).

16.1.3 **Relevant information** is that which appears to have some bearing on the offence under investigation or any person being investigated or on the surrounding circumstances unless it is incapable of having any impact on the case.

16.1.4 To assist the Crown in ensuring that it is in a position to satisfy the Court that it has met its disclosure obligations, **in all solemn proceedings** the investigating agency will provide the Crown with schedules of information detailing all information obtained or generated during the investigation that they consider *may* be relevant. This must be provided as soon as practicable after the accused appears for the first time on petition or indictment (Criminal Justice and Licensing (Scotland) Act 2010 section 117(2)).

16.1.5 Relevant information will be categorised as either being:

- i) Non-sensitive information;
- ii) Sensitive information (Criminal Justice and Licensing (Scotland) Act 2010 section 122(4)); or
- iii) Highly sensitive information

Depending on the categorisation of the information, the investigating agency will list the information in one of three schedules:

- i) Non-sensitive schedule
- ii) Sensitive schedule
- iii) Highly sensitive schedule

16.1.6 Schedules will be prepared and submitted by the investigating agency at key milestones of proceedings as detailed below. It is the responsibility of the reporting officer to collate, review and assess all of the information obtained or generated during the investigation. However, in cases where a Senior Investigating Officer (SIO) has been appointed, the SIO will decide whether a dedicated reviewing officer is required. Where a dedicated Reviewing Officer is appointed, then they will have

responsibility for preparing and submitting the schedules. Otherwise this responsibility lies with the Reporting Officer who will perform a dual role as both Reporting Officer and Reviewing Officer.

16.1.7 The Crown must then go through the schedules and confirm and record the appropriate disclosure action. Further information on the completion of the schedules is contained in chapters 34-37 of this Manual.

16.1.8 Finally, once the non-sensitive schedule has been considered and completed by the Crown, it will be disclosed to the defence along with all information that meets the disclosure test. The sensitive and highly sensitive schedules will **not** be disclosed to the defence, although information listed in either of these schedules may itself meet the disclosure test.

16.1.9 As explained below, schedules will also provide an audit trail and record of all information obtained, revealed and disclosed in the case. Accordingly, where the Case Preparer obtains any information relevant to the case, this should be recorded by the Case Preparer in a separate Crown schedule. Further information in relation to the Crown schedule is contained below at section 16.12.

16.2. Purpose of Schedules

16.2.1 The schedules of information will serve as safeguards to minimise the risk of error in revelation and disclosure decisions and in particular will:

- i) Impose a discipline on both the investigating agency and the Crown in relation to the handling of information which in itself will reduce the risk of error;
- ii) Promote the completeness of *revelation* by requiring the investigating agency to apply a relevancy test which is far wider than the disclosure test later applied by the Crown;
- iii) Promote the completeness of *disclosure* by disclosing the schedule of non-sensitive information to the defence, allowing them to make representations (either informally to the Crown or formally to the Court) if they consider that anything listed there (but not disclosed) may be of material assistance to the proper preparation or presentation of the defence case

16.2.2 The investigating agency must keep records of all information obtained or generated during an investigation and the scheduling system provides the police with a structured procedure within which decisions regarding relevancy can be made and recorded.

16.2.3 Similarly, the Crown must keep records of all decisions regarding disclosure in order that (a) decisions can be kept under review; and (b) there is a clear audit trail (which is of particular importance in the context of any appeals proceedings (see for example **Murray & O'Hara v HMA** (2009 S.C.C.R. 624) in which the Crown did not have an accurate record of what had been disclosed to the defence, in an appeal relating to non-disclosure of evidence). Recording such decisions on the schedules will meet this requirement in solemn proceedings and provide a clear structured approach for staff.

16.2.4 The schedules will also be used to ensure that:

- i) The investigating agency have submitted all statements taken;
- ii) The Crown has actually received all statements submitted by the police;

- iii) The Crown has considered and, where appropriate, disclosed every material statement submitted by the investigating agency;
- iv) The police have submitted (where it exists) the "S" (CHS) numbers for all witnesses;
- v) The Crown has considered and, where appropriate, disclosed material parts of the Criminal History Record (CHR) obtained from the CHS or the police;
- vi) The Crown has considered and, where appropriate, disclosed any other relevant piece of information that meets the disclosure test (subject to any public interest immunity considerations).

16.2.5 The schedules will be accompanied by a written undertaking from the investigating agency confirming that all information that may be relevant has been included in the schedules and, to the best of the knowledge and belief of the Reporting/Reviewing Officer, no further relevant information exists. Accordingly, the scheduling system will replace the reconciliation inventories that were previously used in all High Court cases.

16.3 Format of Schedules

16.3.1 Each type of schedule will provide the following basic information, which will be completed by the investigating agency prior to submission:

- Name of accused
- Investigating Agency Reference
- PF Reference
- Name of Reporting Officer
- Name of Reviewing Officer who has completed the schedule (unless a dedicated reviewing officer has been appointed, this will be the reporting officer)

16.3.2 Thereafter, the schedule is divided into 2 sections. The first section, which provides details of each item of information, where it is lodged and the date of its submission (if applicable) to the Crown, will be completed by the Reviewing/Reporting Officer prior to submission.

16.3.3 The second section must be completed by the Crown and provides details of the disclosure decision and the date the information was disclosed to the defence (if applicable).

16.3.4 Further more detailed information on the information contained within each of the schedules is contained within Chapters 34-36 of this manual.

16.4 Types of Schedules

16.4.1 As stated above, there are 3 types of schedules:

- Non-Sensitive schedules
- Sensitive schedules
- Highly sensitive schedules

Each item of information must be assessed to determine which of the 3 schedules it should be listed on. This assessment will initially be carried out by the Reviewing Officer and that assessment will then be reviewed by the Case Preparer in close consultation with the appropriate solemn legal manager.

16.4.2 Non-sensitive and sensitive schedules will be submitted to the Case Preparer for consideration. Highly sensitive schedules will only be submitted to an appropriately vetted senior prosecutor.

16.4.3 Information is sensitive if, were the item of information to be disclosed, it would be likely to either:

- i) Cause the risk of serious injury, or death, to any person,
- ii) obstruct or prevent the prevention, detection, investigation or prosecution of crime; or
- iii) Cause serious prejudice to the public interest.

16.4.4 Information is highly sensitive if, were the item of information to be disclosed, it would be likely to either:

- i) Lead directly to the loss of life;
- ii) Directly threaten national security; or
- iii) Lead to the exposure of a CHIS.

In addition, there may be information that might not fall under these 3 headings, but due to the GPMS¹ marking that the information attracts, it cannot be revealed to a Case Preparer or legal manager because they do not hold the required level of security clearance. Such information must be included in the Highly Sensitive schedule.

16.5 An Overview of the Scheduling System

16.5.1 The scheduling system will normally follow the undernoted structure:

Step 1 COPFS If, after a case has been submitted to the PF, proceedings are commenced on petition, the PF **must** intimate this to the Reporting Officer in order that the police can officially commence the scheduling process (template DISCROPET.DOC refers).

Step 2 Investigating Agency On intimation of the initiation of solemn proceedings, the investigating agency will, if they have not already done so, commence the reviewing and assessment process and the preparation of schedules.

Step 3 COPFS As soon as the Case Preparer has been advised of (i) the date by which the precognition is to be reported to Crown Office and (ii) the anticipated date of the preliminary hearing/first diet, the Case Preparer **must** advise the Reporting/Reviewing Officer of this information (template letter REPPHDATELET.DOC refers).

Step 4 Investigating Agency The investigating agency will submit the first set of schedules **not later** than 21 days after CFE, along with

¹ **Government Protective Marking Scheme** – provides a method of ensuring information is handled according to its importance and the effect of loss or compromise. The worse the impact of compromise, the more protection is needed. There are 5 levels of marking: not protected, restricted, confidential, secret and top secret.

the witness statements and S numbers for witnesses. This will be accompanied by a subject report providing a written undertaking that there has been full revelation as of the date of the subject sheet.

- Step 5 COPFS** The Case Preparer, in close consultation with the appropriate solemn legal manager, will go through the schedules and confirm and record the appropriate disclosure action (*further guidance is provided in Chapter 36 of this Manual*).
- Step 6 COPFS** The Case Preparer will disclose all witness statements and a copy of the completed non-sensitive schedule **not later** than 28 days after CFE.
- Step 7 Investigating Agency** After the initial submission of schedules, the Reporting/Reviewing Officer will continue the reviewing and assessing process (Criminal Justice and Licensing (Scotland) Act 2010 section 118). If any further information is obtained or generated in the course of investigating the accused's case that may be relevant to the case for or against the accused, the investigating agency must provide the prosecutor with details of it in additional schedules as soon as practicable. The Reviewing Officer will also review all information previously classified as irrelevant to confirm that this classification remains appropriate, having regard to the new information that has been obtained or generated.
- Step 8 Investigating Agency** Two weeks prior to the submission of the precognition to Crown Office, the Reporting/Reviewing Officer will submit any additional schedules to the Case Preparer. As before, this will be accompanied by a subject sheet providing a written undertaking that there has been full revelation as of the date of the subject report.
- If there is no additional information that requires to be scheduled, then a subject sheet will be submitted giving a written undertaking that no further relevant information has been obtained or generated since the submission of the previous schedule or set of schedules.
- Step 9 COPFS** The Case Preparer, in close consultation with the appropriate solemn legal manager, will go through any schedules and confirm and record the appropriate disclosure action. In addition, the Case Preparer will consider all information previously marked as "non-disclosable" in order to confirm that this marking remains appropriate, having regard to the new information that has been obtained/generated by the investigating agency (*further guidance is provided in Chapter 36 of this Manual*).
- Step 10 COPFS** As soon as reasonably practicable, the Case Preparer will disclose any additional information that meets the

disclosure test along with a completed copy of any additional non-sensitive schedules.

16.5.2 Steps 7-10 will be repeated at the following additional milestones:

- **2 weeks prior to the preliminary hearing/ first diet**
- **2 weeks prior to the trial**

16.5.3 The effectiveness of the scheduling system in all solemn cases is dependant on both the investigating agency and the Crown carrying out its respective steps effectively and timeously.

16.5.4 A timeline setting out the steps detailed above and the stages at which these steps should be carried out is attached at Annex B. This timeline applies to both High Court Cases and Sheriff and Jury cases, regardless of the method by which the precognition is reported.

16.5.5 There will, however, be certain cases where the above-noted structure would not be appropriate, e.g. where there is a high volume of information and schedules need to be submitted in batches. Any move away from the above structure **must** always be done in liaison between the relevant Solemn Legal Manager and the Reviewing Officer.

16.6 Preparation of Schedules by the Investigating Agency

16.6.1 The Reviewing Officer, who may also be the Reporting Officer, will have responsibility for the reviewing and assessment process which must take place in conjunction with the preparation of schedules.

16.6.2 Officially, this reviewing and assessment process will commence on notification from the PF Office that proceedings have commenced on petition. However, in practice, the investigating agency will commence this process at the earliest possible opportunity where solemn proceedings can be reasonably anticipated. It should be noted that the decision to commence the scheduling process prior to notification from the Crown will be at the discretion of the Reporting Officer or the Senior Investigating Officer.

16.6.3 The reviewing and assessing process will involve examining, inspecting, viewing or listening to all of the information that has been held or generated during the course of the investigation to determine whether:

- i) The information *may be* relevant; and
- ii) If so, whether the information is sensitive (and, if so, whether it is *highly* sensitive); and
- iii) Whether the information is exculpatory in nature i.e. is information that could materially weaken or undermine the Crown case or materially strengthen the defence case.

16.6.4 This process will then inform whether the information needs to be listed on one of the schedules and, if so, which of the schedules.

16.6.5 If, after the schedules have been submitted to the Crown, the Case Preparer does not agree with the categorisation of information, e.g. considers the information to be non-sensitive rather than sensitive, then the Case Preparer **must** return the relevant schedules to the Reviewing Officer for amendment. This should

be accompanied with a covering letter specifying the amendments required. The Case Preparer **must** consult with the Reviewing Officer first on the reasoning behind the decision to include a piece of information on a particular schedule before coming to a final decision on the need to amend the schedules.

16.6.6 As the final classification of a piece of information will impact on whether the existence of that information is disclosed to the defence (where the information itself has been identified as not being disclosable) and will therefore be critical in ensuring that the Crown has met its disclosure obligations, the final decision regarding the classification must be taken by the Crown. If, however, after consultation, the Reviewing Officer and the Case Preparer remain in dispute regarding the classification, the Case Preparer should consult the appropriate Solemn Legal Manager to confirm that the classification identified by the Case Preparer is the correct one, having regard to any concerns raised by the Reviewing Officer.

16.6.7 Any disputes in classification of a piece of information as being highly sensitive must be addressed by the Functional Lead for High Court/Sheriff and Jury as appropriate.

16.7 Identifying Cases as Petition Cases

16.7.1 It is essential that PF Offices intimate the commencement of petition proceedings at the earliest opportunity in order to ensure that the proper procedures for scheduling are put into effect as soon as possible.

16.7.2 Accordingly, therefore, the appropriate stage for intimating the commencement of petition proceedings is either when:

- i) A petition warrant is granted and obtained from the Sheriff Clerk's office, in which case this should be intimated to the Reporting Officer **within 3 working days of receipt of the petition warrant from the Clerks**; or
- ii) Where the accused is reported in custody, proceedings commence by a custody petition, in which case this should be intimated to the Reporting Officer **the same day**.

16.7.3 It is the responsibility of the Petition/Solemn administrative clerk to advise the Reporting Officer that the case is proceeding on petition. A copy of the relevant template letter is available in the FOS templates on the intranet [DISCROPET.DOC].

16.8 Anticipated Reporting, Preliminary Hearing/ First Diet, and Trial Dates

16.8.1 In all High Court cases, as soon as the Case Preparer is advised of (i) the date by which the precognition is to be reported to Crown Office, (ii) the anticipated date of the preliminary hearing, and (iii) the allocated trial date the Case Preparer must advise the Reporting Officer of this information. Copies of the relevant template letters are available in the FOS templates on the intranet [REPPHDATELET.DOC] and [REPTDATELET.DOC]

16.8.2 In all Sheriff and Jury cases, as soon as the Case Preparer is advised by the relevant Manager of (i) the date by which the precognition is to be reported to Crown Office, (ii) the anticipated date of the first diet, and (iii) the allocated trial date the Case Preparer must advise the Reporting Officer of this information. Copies of the

relevant template letters are available in the FOS templates on the intranet [[REPPHDATELET.DOC](#)] and [[REPTDATELET.DOC](#)]

16.9 Reductions to Summary & No Further Proceedings Markings

16.9.1 As soon as a decision is taken to reduce a case to summary proceedings, the Reporting or Reviewing Officer should be advised in order that they can cease the preparation of schedules.

16.9.2 If, at the stage an accused is placed on petition, the case marker indicates that this decision should be reviewed prior to full committal and on receipt of statements, the Reporting/Reviewing officer should be advised. It will then be a matter for the discretion of the officer whether to commence completion of the schedules or to await confirmation that the accused is fully committed on petition.

16.9.3 Similarly, as soon as a decision is taken to take no further proceedings in respect of a petition case, the Reporting or Reviewing Officer should be advised in order that they can cease the preparation of schedules.

16.9.4 Where the case is marked for no further proceedings meantime, in order to preserve the position should further evidence come to light, this should be intimated to the Reporting or Reviewing Officer. It will then be a matter for agreement between the Solemn Legal Manager and the Reporting/Reviewing Officer whether schedules should be completed in the interim.

16.10 Submission of Schedules by the Investigating Agency

16.10.1 The investigating agency will submit non-sensitive and sensitive schedules electronically. Highly sensitive schedules will be submitted hard copy.

16.10.2 As detailed above, if after the initial set of schedules are submitted by the investigating agency, further information is brought to the attention of the Reviewing Officer, then an additional schedule listing only this additional information will be submitted.

16.10.3 When the investigating agency submits a schedule, the Reviewing Officer must also provide a written undertaking that to the best of his/her knowledge and belief all relevant information of which they are aware has been revealed to the prosecutor. The written undertaking will also confirm the type or types of schedules submitted. If only a non-sensitive schedule is submitted, the undertaking will also expressly state that there is no sensitive schedule. This undertaking process should be followed on each occasion that a schedule or set of schedules is submitted.

16.10.4 Submission of schedules in stages requires that a structured naming and numbering system is put in place to ensure that the Case Preparer or trial depute is in no doubt where each individual schedule sits in the reporting process for any particular case.

16.10.5 The following naming and numbering protocol of schedules **must be** followed:

- Fiscal reference number; followed by
- Police/Agency Departmental Code; followed by;

- Schedule type (i.e. NS for non-sensitive, SS for sensitive and HS for highly sensitive); followed by
- Batch number for that type of schedule

16.10.6 Therefore a non sensitive schedule completed by an RVO from A Division CID on the 27 February 2009 would read:

GL12345678 ACID NS 1

- **GL12345678** - Procurator Fiscals Reference number
- **ACID** - Departmental identifier - i.e. A Division CID
- **NS** - Schedule Type – Non Sensitive – NS, Sensitive – SS, Highly Sensitive – HSS
- **1** - Batch Number – 1, 2, 3, etc

16.10.7 If an additional schedule is to be submitted then the only character of the file name to change will be the last digit to signify that it is in addition to the previous, i.e. **GL12345678 ACID NS 2 – Murray & O’Hara v HMA** (2009 S.C.C.R. 624) - this signifies that it is the second non sensitive schedule

16.11 Consideration of Schedules by the Case Preparer

16.11.1 On receipt of the schedules, the Case Preparer must consider both the schedules and the information obtained within them in order to determine whether and to what extent information should be disclosed. More detailed guidance in relation to the action to be followed by the Case Preparer on receipt of schedules is contained within Chapter 37 of this Manual.

16.11.2 As stated above, any inaccuracies in relation to the content of any schedules, e.g. in relation to the description or where information is listed, must **not** be corrected by the Case Preparer but should be returned to the Reviewing Officer for amendment.

16.11.3 If any highly sensitive schedules are prepared and submitted, these will be submitted directly to a member of staff with the appropriate security clearance level, who, depending on the level of the GPMS marking, may be the Functional Lead for High Court/Sheriff and Jury as applicable or the Federation Head, or the Director of Serious Casework, who will consider these. The Case Preparer will not be permitted to access this highly sensitive schedule and may not even be advised of its existence.

16.12 Crown Schedules

16.12.1 All information obtained or generated during an investigation by the investigating agency or any other party must be listed on a schedule. It is not uncommon, during the course of preparing a precognition, for the Case Preparer to obtain information directly from source, rather than instructing the Reporting Officer to obtain it, e.g. medical records, social work records, tapes of judicial examination, photographs or sketches.

16.12.2 In order for the scheduling process to be effective, such information must be listed on a schedule. However, it would not be practicable to send such information to the Reviewing Officer to place on a schedule, just to be resubmitted to

the Crown for consideration. Such a process would be cumbersome, confusing and would lead to unnecessary delays.

16.12.3 Accordingly, where the Crown obtains information directly from source, the Case Preparer **must** list this information on one of two Crown schedules of relevant information:

- i) Non-sensitive Crown schedule [template DISCCROWNNONS.DOC refers];
or
- ii) Sensitive Crown schedule [template DISCCROWNSS.DOC refers].

Guidance on the type of information that would be non-sensitive is contained in Chapter 34 of this Manual and guidance on sensitive information is contained in Chapter 35.

16.12.4 The Non-sensitive Crown Schedule should be disclosed to the defence in the same way as the non-sensitive schedule prepared by the police or other reporting agency. Where a Crown schedule has been prepared within the 28 days of CFE, e.g. where there has been a judicial examination, the Non-sensitive Crown schedule should be disclosed at this stage. Thereafter, updated versions of the schedule should be disclosed to the defence at the key stages specified in section 16.5 above.

16.12.5 The Sensitive Crown Schedule **must not** be disclosed to the defence.

16.12.6 Case Preparers should note that forensic reports should be submitted through the Forensic Gateway. Accordingly, the Reviewing Officer will obtain a copy and will schedule the forensic report. There is no requirement, therefore, for the forensic report to be listed in any Crown schedule.

16.13 Disclosure of Schedules to the Defence

16.13.1 In order to ensure that the Crown has properly discharged its disclosure obligations, the **non-sensitive** schedule will be disclosed to the defence. This will provide the defence with details of all non-sensitive relevant information that the Crown considers does **not** meet the disclosure test. The defence can then determine whether they consider the information to be of material assistance to the defence.

16.13.2 If the defence take the view, on reading the description of a piece of information, that it is *material* information (i.e. information which is likely to materially weaken or undermine the evidence that is likely to be led by the prosecutor; materially strengthen the defence case; or form part of the evidence to be led by the prosecutor in the proceedings against the accused), then they should, in the first instance, discuss this with the Case Preparer. If after, such discussion, the Case Preparer (in consultation with the appropriate solemn legal manager) agrees that the additional information now meets the materiality test and is disclosable then it should be disclosed.

16.13.3 If, after these discussions, the Crown remains of the view that the information is not disclosable, and the defence considers that the prosecutor has failed to disclose an item of information which is disclosable in terms of the materiality test they may apply to the Court for a ruling on whether the information is disclosable (Criminal Justice and Licensing (Scotland) Act 2010 section 128). Further guidance on applications for Court rulings on disclosure can be found in **Chapter 39 of this Manual**.

16.13.4 Any additional non-sensitive schedules submitted by the investigating agency **must** also be disclosed to the defence as soon as is reasonably practicable after receipt.

16.13.5 **Under no circumstances must any sensitive or highly sensitive schedules be disclosed to the defence.**

16.14 Business Processes for Schedules

16.14.1 Full business processes for the handling and completion of schedules is contained in the Case Processing Manual. This includes guidance on the mailboxes e-mail system; importing schedules into FOS; how to physically complete schedules; how to export schedules and return to the investigating agency for amendment; and how to disclose the non-sensitive schedule to the defence.

16.14.2 It is absolutely crucial to the Crown's disclosure duties, that the trial depute is in a position, if asked, to satisfy the court of the time and date on which disclosure has been carried out. The business process detailed in the Case Processing Manual includes a system for recording all disclosure actions and, accordingly, all staff must follow these processes.

16.16 Cases Transferred between PF Offices

16.16.1 Where a case is received at one PF Office (the originating office) and the decision is taken that the case should be transferred to another PF Office (the receiving PF Office), it is important that the investigating agency are advised of the new PF Reference Number for the case. Otherwise the investigating agency will continue to submit documents, including statements, under the PF reference number for the case in the original office. The new PF office, therefore, would **not** receive these new statements, and instead they would be received by the original PF office who may not necessarily notice as they will have marked the case as closed.

16.16.2 It should be noted, however, that all documents electronically submitted to the original PF reference **before** the case is transferred will be transferred to the receiving PF Office as part of the case papers.

16.16.3 It is the responsibility of the originating PF Office to advise the Reporting Officer of the new PF number for the case. The originating PF office obtains this at the stage the case is transferred. Thereafter, it is the responsibility of the Reporting Officer to ensure that all documents submitted to the PF thereafter are submitted under the new PF reference number.

16.16.4 As a matter of best practice, where the receiving office takes the decision to place a transferred case on petition, the receiving office should also advise the Reporting Officer of the new reference number.

16.17 Submission by the Investigating Agency of Updated Versions of Statements Already Submitted

16.17.1 As a general principle, the investigating agency should not submit a statement to the Procurator Fiscal until the content of the statement has been authenticated and, where applicable, that the typed version of the statement is a true and accurate reflection of the original handwritten statement from which the typed version has been created.

16.17.2 On occasion, however, in order to meet strict timescales (primarily in relation to petition custody cases where the essential statements are required by the Procurator Fiscal in order to determine whether there is sufficient evidence for full committal), the investigating agency might submit a statement without this authentication process being carried out. In such circumstances, the authentication process will be carried out **after** the statement has been submitted to the Procurator Fiscal. Where there is a mistake in the statement or something has been accidentally omitted, it may be necessary to submit an updated version of the statement.

16.17.3 Where the Reporting Officer requires to submit an updated version of a statement, the following procedure **must** be followed:

- i) The Reporting Officer must advise the Solemn Legal Manager of the need to resubmit the statement and must clearly specify the reason(s) why the statement requires to be resubmitted and, where it is due to an inaccuracy in the typed statement, specific details of the inaccuracy should be provided;
- ii) If the Solemn Legal Manager agrees that the statement should be resubmitted, they should make arrangements for the Help Desk to be contacted and advised that a new version of the statement is to be submitted. Help Desk will then rename the first version submitted as “superseded-statement-for-...”. This will enable the COPFS system to accept the new version of the statement.

16.17.4 If the Reporting Officer submits an updated statement without following the above procedures, the statement will not be received by the COPFS system. Instead the investigating agency will receive an automatic message advising them that the statement has been rejected. In addition, a central COPFS report will be created on a daily basis listing all cases where statements have been automatically rejected. This information will then be passed to the relevant offices.