

Effectiveness 4.6 - Book of Regulations Chapter 4 Precognition and Management of Solemn Business

Effectiveness 4.6

4.6.1. Generally

Precognition and investigation must be focused on the main issues of the case and the evidence against each accused accurately represented and properly evaluated. All relevant legal issues, including those relating to Convention rights, must be properly addressed, considered and recommendations made to allow informed decision as to further proceedings.

4.6.2. Responsibility of Procurator Fiscal

Area Procurators Fiscal, together with District Procurators Fiscal, are responsible for ensuring that the precognition process is managed to ensure that all cases falling within their jurisdictions are investigated effectively in accordance with the [Precognoscer's Handbook](#), including ensuring that all relevant staff are trained in precognition and are familiar with the Handbook.

4.6.3. [Precognoscer's Handbook](#)

The [Precognoscer's Handbook](#) contains best practice guidance in the following areas of work which are relevant to effective investigation:-

- management of precognition
- initial steps
- productions
- taking of precognitions (including dealing with sensitive, vulnerable and problem witnesses)
- hostile witnesses
- tape recording of precognition
- witnesses who reside outwith jurisdiction of precognoscer
- precognition in prisons
- police witnesses
- identification of accused
- statements made by accused and police interview evidence
- sufficiency of evidence
- format of precognitions, both High Court and Sheriff and Jury
- reporting to Crown Office
- drafting charges on indictments
- section 76 indictments
- specification of date
- specification of locus
- special capacity
- expert witnesses
- precognition of expert witnesses
- precognition on oath
- fingerprint and other 'identification' evidence

- psychiatric evidence
- scientific evidence
- photographic and video evidence
- misuse of drugs offences - including drugs analysis reports - random sampling
- confiscation
- breach of bail conditions - offences
- proof of previous convictions
- crimes of dishonesty
- crimes of violence and non accidental injury
- sexual offences, including distress as corroboration in sexual assaults
- road traffic offences
- racially aggravated offences
- miscellaneous offences - including perjury, threats, extortion and prison breaking
- the instruction and use of interpreters
- Victim Information and Advice
- Search and other warrants

The [Precognoscer's Handbook](#) also has a **number of annexes** which provide pro forma documents designed to assist solemn legal managers and precognoscers in the management of precognition work. These include a precognition checklist, a precognition guidance note, an interim report on precognition progress and a completed precognition form.

Departure from the guidance set out in the [Precognoscer's Handbook](#) must be fully justified in each case, either to the Area Procurator Fiscal or, if reported to Crown Office, to Crown Counsel.

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