

EXPLANATORY NOTES

CRIMINAL PROCEEDINGS ETC. (REFORM) (SCOTLAND) ACT 2007

INTRODUCTION

PART 1 - BAIL

Section 1 – Determination of questions of bail

New Section 23B

New Section 23C

New Section 23D

Section 2 – Bail and bail conditions

Section 3 – Breach of bail conditions

Section 4 – Bail review and appeal

Section 5: Attitude of prosecutor after conviction

Section 6 – Time for dealing with applications

PART 2 - PROCEEDINGS

Police functions

Section 7: Liberation on undertaking

Summary procedure

Section 8: Manner of citation

Section 9: Procedure at first calling

Section 10: Intimation of diets etc.

Section 11: Pre-trial time limits

Section 12: Disclosure of convictions

New section 166A

New Section 166B

Section 13: Complaints triable together

Section 14: Proceedings in absence of accused

Subsection (4) - new section 150A of the 1995 Act

Section 15: Failure of accused to appear

Section 16: Obstructive witnesses

New section 156A

New section 156B

New section 156C

New section 156D

Section 17: Prosecution of companies etc.

Preparation for summary trial

Section 18: Intermediate diets

Section 19: Notice of defences

New Section 149B

Section 20: Proof of uncontroversial matters

Section 21: Service of documents through solicitor etc.

New Section 148C

New Section 148D

Transfer of summary cases

Section 22: Transfer of proceedings

New section 137C

New Section 137D

Section 23: Time bar for transferred and related cases

New Section 136A

Other provisions

Section 24: Reports about supervised persons

Section 25: Summary appeal time limit

Solemn cases

Section 26: Pre-trial time limits

Section 27: Obstructive witnesses

Section 28: Proceedings against bodies corporate

Section 29: Jury Citation

Section 30: Duty to seek agreement of evidence

Section 31: Petition proceedings outwith sheriffdom

Section 32: Failure of accused to appear.

New section 102A

Miscellaneous

Section 33: Apprehension warrants

New section 297A

Section 34: Participation of accused in identification procedures

New section 267B

Section 35: Evidence on commission

Section 36: Victim notification scheme

Section 37: Recovery of documents

New section 301A

Section 38: Intimation to respondent of certain applications to the High Court

New section 298A

Section 39 : Refixing diets

New sections 75B and 137ZA

Section 40: Power of court to excuse procedural irregularities

New section 300A

Section 41: Electronic proceedings

New section 303B – Electronic summary proceedings.

New section 308A – Expressions relating to electronic complaints

Section 42 – Further provision for summary cases.

PART 3 – PENALTIES

Sentencing powers

Section 43: Common law offences

Section 44: Particular statutory offences

Section 45: Other statutory offences

Section 46: JP court: power to increase penalties

Section 47: Fine Level

Section 48: Prescribed sum

Section 49: Compensation orders

Penalties as alternative to prosecution

Section 50: Fixed penalty and compensation offers

Conditional offers – changes to procedures etc

New section 302A - compensation offer

New section 302B – combined fixed penalty and compensation offer

New section 302C – recall of fixed penalty or compensation offer

Further provisions on enforcement

Section 51: Work orders

New section 303ZA – Work orders

Section 52: Setting aside of offers and orders

New section 303ZB – Setting aside of offers and orders

Section 53: Disclosure of previous offers

Section 54: Time bar where offer made

New section 136B – time limits where fixed penalty offer etc. made

Enforcement of fines etc.

Section 55: Fines enforcement officers and their functions

New Section 226A – Fines enforcement officers

New Section 226B – Enforcement orders

New Section 226C – Variation for further time to pay

New Section 226D – Seizure of vehicles

New Section 226E - Deduction from Benefits

New Section 226F – Powers of Diligence

New Section 226G – Reference of case to court

New Section 226H – Review of actions of FEO

New Section 226I - Enforcement of fines etc.: Interpretation

Section 56: Recognition of EU financial penalties

Breach of post-conviction orders

Section 57: Probation and community service orders

Section 58: Restriction of liberty orders

PART 4 – JP COURTS AND JPS

Establishing JP courts etc.

Section 59: Establishing JP courts

Section 60: Making provision for JP courts

Section 61: Administration of JP courts

Section 62: Area and territorial jurisdiction of JP courts

Section 63: Constitution and powers etc. of JP courts

Section 64: Abolition of district courts

Section 65: Transfer of staff and property

Section 66: Transitional arrangements for proceedings

Appointment of JPs etc.

Section 67: Appointment of JPs

Section 68: Conditions of office

Section 69: Training and appraisal of JPs

Section 70: Reappointment of JPs

Section 71: Removal of JPs

Section 72: Disqualification of solicitors who are JPs

Section 73: Disqualification where sequestration or bankruptcy

Section 74: Appointment of stipendiary magistrates

Section 75: Stipendiary magistrates: further provision

Section 76: Signing functions

Section 77: Records and validity of appointment etc.

**PART 5 – INSPECTION OF THE CROWN OFFICE AND PROCURATOR
FISCAL SERVICE**

Section 78: Appointment of Inspector

Section 79: The Inspector's functions

PART 6 – GENERAL

Section 80: Modification of enactments

Section 81: Orders

Section 82: Ancillary provision

Section 83: Interpretation

Section 84: Commencement and short title

Schedule

Modification of Enactments

Sheriff Courts and Legal Officers (Scotland) Act 1927

Public Records (Scotland) Act 1937

Social Work (Scotland) Act 1968

Education (Scotland) Act 1980

Legal Aid (Scotland) Act 1986

Criminal Justice Act 1988

Road Traffic Offenders Act 1988

Environmental Protection Act 1990

Criminal Procedure (Scotland) Act 1995

Bail, Judicial Appointments etc. (Scotland) Act 2000

Sexual Offences (Procedure and Evidence) (Scotland) Act 2002

Public Appointments and Public Bodies etc. (Scotland) Act 2003

Criminal Justice (Scotland) Act 2003

Dog Fouling (Scotland) Act 2003

Antisocial Behaviour etc. (Scotland) Act 2004

Enactments generally: references to district courts and justices

PARLIAMENTARY HISTORY