
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 152

The Sheriff Court Districts Amendment Order 2013

Transitional provisions

15.—(1) With effect from the appointed date—

- (a) anything done in the closing court under article 14 has effect as if done in or in relation to the receiving court;
- (b) any cases, proceedings or matters instituted in the closing court, but which have not yet been completed, are to continue in the receiving court as if instituted there;
- (c) ongoing cases, proceedings or matters at the closing court are to be heard and disposed of at the receiving court as if the receiving court always had jurisdiction for such cases, proceedings or matters;
- (d) any—
 - (i) verdict, sentence (deferred or otherwise), order or other determination (interim or otherwise);
 - (ii) document, (including any indictment, complaint, petition, writ, notice, citation, warrant, interlocutor or extract),

which makes reference (in whatever terms) to the closing court, a sheriff or sheriff principal of the closing court, the sheriff clerk of the closing court or the sheriff court district where the closing court is situated has effect as though that reference is a reference to the receiving court, a sheriff or sheriff principal of the receiving court, the sheriff clerk of the receiving court or the sheriff court district where the receiving court is situated (whichever is applicable);

- (e) any sentence, order, decree, interlocutor, fine, penalty, conditional offer, compensation offer or other alternative to prosecution that was enforceable in the sheriff court district where the closing court is situated is to continue to be enforceable in the sheriff court district where the receiving court is situated;
- (f) the general jury book maintained in respect of the sheriff court district in which the closing court is situated in terms of section 3 of the Jurors (Scotland) Act 1825(1) is to continue to be maintained in respect of the sheriff court district in which the receiving sheriff court is situated;
- (g) all documents held by the closing court are to be treated as held by the receiving court.

(2) The operation of this article does not affect the power or jurisdiction of the receiving court, apart from this article, to deal with any matter prior to or with effect from the appointed date.

(3) Despite the operation of this article, any document which makes reference to the closing court, may be treated as referring to the closing court, where—

- (a) it is in the interests of justice; or
- (b) the context otherwise requires.

(1) 1825 c.22; section 3 was amended by the Local Government (Scotland) Act 1973 (c.65), Schedule 27, paragraph 4, and was renumbered and relevantly amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 1.

(4) In this article—

“1988 Act” means the Road Traffic Offenders Act 1988⁽²⁾;

“1995 Act” means the Criminal Procedure (Scotland) Act 1995⁽³⁾;

“conditional offer” means, as the case may be, a conditional offer within the meaning of—

(a) section 302 (fixed penalty: conditional offer by procurator fiscal) of the 1995 Act; or

(b) section 75(5) (issue of conditional offer) of the 1988 Act;

“compensation offer” means a compensation offer within the meaning of section 302A (compensation offer) of the 1995 Act;

“fixed penalty” means, as the case may be, a fixed penalty within the meaning of Part III (fixed penalties) of the 1988 Act, or Part 11 (fixed penalties) of the Antisocial Behaviour etc. (Scotland) Act 2004⁽⁴⁾;

“order” includes an order for payment (including pecuniary forfeiture or compensation), imprisonment in default of payment of any sum of money or contempt of court;

“penalty” includes a fixed penalty;

“sheriff clerk” includes sheriff clerk depute.

(2) [1988 c.53](#); to which there are amendments not relevant to this Order.

(3) [1995 c.46](#); there are amendments to section 302 which are not relevant to this Order. Section 302A was added by the Criminal Proceedings etc. (Reform) (Scotland) Act [2007 \(asp 6\)](#), section 50(2), there are amendments to section 302A which are not relevant to this Order.

(4) [2004 asp 8](#).