



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART IX

SUMMARY PROCEEDINGS

Complaints

138 Complaints.

- (1) All proceedings under this Part of this Act for the trial of offences or recovery of penalties shall be instituted by complaint signed by the prosecutor or by a solicitor on behalf of a prosecutor other than the procurator fiscal.
- (2) The complaint shall be in the form—
 - (a) set out in Schedule 5 to this Act; or
 - (b) prescribed by Act of Adjournal,or as nearly as may be in such form.
- (3) A solicitor may appear for and conduct any prosecution on behalf of a prosecutor other than the procurator fiscal.
- (4) Schedule 3 to this Act shall have effect as regards complaints under this Act.

139 Complaints: orders and warrants.

- (1) On any complaint under this Part of this Act being laid before a judge of the court in which the complaint is brought, he shall have power on the motion of the prosecutor—
 - (a) to pronounce an order assigning a diet for the disposal of the case to which the accused may be cited as mentioned in section 141 of this Act;
 - (b) to grant warrant to apprehend the accused where this appears to the judge expedient;
 - (c) to grant warrant to search the person, dwelling-house and repositories of the accused and any place where he may be found for any documents, articles, or

Status: Point in time view as at 06/06/2012.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Cross Heading: Complaints is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

property likely to afford evidence of his guilt of, or guilty participation in, any offence charged in the complaint, and to take possession of such documents, articles or property;

- (d) to grant any other order or warrant of court or warrant which may be competent in the circumstances.

(2) The power of a judge under subsection (1) above—

- (a) to pronounce an order assigning a diet for the disposal of the case may be exercised on his behalf by the clerk of court;
- (b) to grant a warrant to apprehend the accused shall be exercisable notwithstanding that there is power whether at common law or under any Act to apprehend him without a warrant.

Status:

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