



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Status: This is the original version (as it was originally enacted).

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.