



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART IX

#### SUMMARY PROCEEDINGS

##### *General*

#### **[<sup>F1</sup>137B Transfer of sheriff court summary proceedings outwith sheriffdom**

[<sup>F2</sup>(1) Where the sheriff clerk informs the prosecutor that, because of exceptional circumstances which could not reasonably have been foreseen, it is not practicable for the sheriff court or any other sheriff court in the sheriffdom to proceed with some or all of the summary cases due to call at a diet, the prosecutor shall as soon as practicable apply to the sheriff principal for an order for—

- (a) the transfer of the proceedings to a sheriff court in another sheriffdom; and
- (b) adjournment to a diet of that court.]

[ Where this subsection applies, the prosecutor may apply to the sheriff for an order <sup>F3</sup>(1A) for—

- (a) the transfer of the proceedings to a sheriff court in another sheriffdom; and
- (b) adjournment to a diet of that court,

if there are also summary proceedings against the accused person in that court in the other sheriffdom.

(1B) Subsection (1A) above applies—

- (a) where the accused person has been cited in summary proceedings to attend a diet of the court; or
- (b) if the accused person has not been cited to such a diet, where summary proceedings against the accused have been commenced in the court.

(1C) Where the prosecutor intends to take summary proceedings against an accused person in the sheriff court, the prosecutor may apply to the sheriff for an order for authority

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*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 137B 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)*

for the proceedings to be taken at a sheriff court in another sheriffdom if there are also summary proceedings against the accused person in that court in the other sheriffdom.]

(2) On an application under subsection (1) above the sheriff principal may make the order sought, provided that the sheriff principal of the other sheriffdom consents.

[ On an application under subsection (1A) or (1C) above, the sheriff is to make the order  
F4(2A) sought if—

- (a) the sheriff considers that it would be expedient for the different cases involved to be dealt with by the same court; and
- (b) a sheriff of the other sheriffdom consents.]

(3) On the application of the prosecutor, a sheriff principal who has made an order under subsection (2) above may, if the sheriff principal of the other sheriffdom mentioned in that subsection consents—

- (a) revoke; or
- (b) vary so as to restrict the effect of, that order.

[ On the application of the prosecutor, [F6the sheriff who has made an order under  
F5(4) subsection (2A) above (or another sheriff of the same sheriffdom)] may, if a sheriff of the other sheriffdom mentioned in paragraph (b) of that subsection consents—

- (a) revoke; or
- (b) vary so as to restrict the effect of, that order.]]

#### Textual Amendments

- F1** Ss. 137A, 137B inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) , **ss. 58(2)** , 89 ; [S.S.I. 2003/288](#) , **art. 2** , Sch.
- F2** S. 137B(1) substituted (10.3.2008) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#) , **ss. 22(2)(a)** , 84 ; [S.S.I. 2008/42](#) , **art. 3** , Sch.
- F3** S. 137B(1A)-(1C) inserted (10.3.2008) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#) , **ss. 22(2)(b)** , 84 ; [S.S.I. 2008/42](#) , **art. 3** , Sch.
- F4** S. 137B(2A) inserted (10.3.2008) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#) , **ss. 22(2)(c)** , 84 ; [S.S.I. 2008/42](#) , **art. 3** , Sch.
- F5** S. 137B(4) added (10.3.2008) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#) , **ss. 22(2)(d)** , 84 ; [S.S.I. 2008/42](#) , **art. 3** , Sch.
- F6** Words in s. 137B(4) substituted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#) , s. 206(1) , **sch. 7 para. 53** ; [S.S.I. 2011/178](#) , art. 2 , sch.

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