



Summary Jurisdiction (Scotland) Act 1954

1954 CHAPTER 48 2 and 3 Eliz 2

An Act to consolidate certain enactments relating to summary jurisdiction and procedure in Scotland with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949. [30th July 1954]

1—43. ^{F1}.....

Textual Amendments

F1 Ss. 1–43, 45–73, 75, repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), Sch. 10 Pt. I](#)

[^{F2}44] **Transfer of fine orders.**

- (1) Where a court of summary jurisdiction has imposed a fine on a person convicted of an offence and it appears to the court that he is residing—
 - (a) within the jurisdiction of another court of summary jurisdiction in Scotland, or
 - (b) in any petty sessions area in England and Wales,the court, if no term of imprisonment has been fixed by the court in default of payment of the fine, may order that payment of the fine shall be enforceable by that other court of summary jurisdiction or in that petty sessions area, as the case may be.
- (2) An order under this section (in this section referred to as a transfer of fine order) shall specify the court by which or the petty sessions area in which payment is to be enforceable and, where the court to be specified in a transfer of fine order is a court of summary jurisdiction, it shall, in any case where the [^{F3}order is made] by the sheriff court, be a sheriff court.
- (3) Where a transfer of fine order is made with respect to any fine under this section, any functions under any enactment relating to that sum which, if no such order had been made, would have been exercisable by the court [^{F3}which made the order] or by the clerk of that court shall cease to be so exercisable.

Status: Point in time view as at 31/03/1996.

Changes to legislation: There are currently no known outstanding effects for the Summary Jurisdiction (Scotland) Act 1954 (Repealed 1.4.1996). (See end of Document for details)

- (4) Where a transfer of fine order within the meaning of this section or of section 72A of the ^{M1}Magistrates' Courts Act 1952, as amended by the ^{M2}Criminal Justice (Scotland) Act 1963, specifies a court of summary jurisdiction in Scotland, that court and the clerk of that court shall have all the like functions under this Part of this Act in respect of the fine or the sum in respect of which that order was made (including the power to make any further order under this section) as if the fine or the sum were a fine imposed by that court and as if any order made under this section or the said Act of 1952 in respect of the fine or the sum before the making of the transfer of fine order had been made by that court:

Provided that for the purpose of determining the period of imprisonment which may be imposed under this Act by any court having jurisdiction in respect of a sum adjudged to be paid by a conviction of a magistrates' court acting for a petty sessions area, section 49 of this Act shall have effect as if for the Table set out in subsection (1) of that section there were substituted the Table set out in paragraph 1 of Schedule 3 to the said Act of 1952 or that Table as modified by paragraph 3 of that Schedule, as the case may be.]

- [^{F4}(5) Where a transfer of fine order under section 72A of the ^{M3}Magistrates' Courts Act 1952 or this section provides for the enforcement by a sheriff court in Scotland of a fine imposed by a court of assize or quarter sessions, the proviso to the last foregoing subsection shall not apply, but the term of imprisonment which may be imposed under this Act shall be the term fixed in pursuance of [^{F5}section 31 of the ^{M4}Powers of Criminal Courts Act 1973] by that court of assize or quarter sessions or a term which bears the same proportion to the term so fixed as the amount of the fine remaining due bears to the amount of the fine imposed by that court, notwithstanding that the term exceeds the period applicable to the case under section 49(1) of this Act.]

Textual Amendments

- F2** S. 44 substituted by Criminal Justice (Scotland) Act 1963 (c. 39), s. 26(2), **Sch. 3 Pt. I**
F3 Words substituted by Criminal Justice Act 1967 (c. 80), s. 106(2), **Sch. 6 para. 21**
F4 S. 44(5) added by Criminal Justice Act 1967 (c. 80), s. 106(2), **Sch. 6 para. 21**
F5 Words substituted by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 5 para. 8**

Modifications etc. (not altering text)

- C1** S. 44 repealed (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21) Sch. 10 Pt. I

Marginal Citations

- M1** 1952 c. 55.
M2 1963 c. 39.
M3 1952 c. 55.
M4 1973 c. 62.

45— ^{F6}
73.

Textual Amendments

- F6** Ss. 1–43, 45–73, 75, repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

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74 ^{F7}

Textual Amendments

F7 S. 74 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1](#)

75 ^{F8}

Textual Amendments

F8 Ss. 1–43, 45–73, 75, repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), Sch. 10 Pt. I](#)

76 Acts of Adjournal making rules, etc.

- (1) It shall be lawful for the High Court, by Act of Adjournal—
- (a) . . . ^{F9}
 - (d) to fix and regulate the fees payable in the High Court and the inferior courts in proceedings under this Act.
- (2) Until regulated under the foregoing provisions of this section the fees payable in the High Court shall be those payable at the commencement of this Act and the fees payable in the inferior courts shall be those set forth in the Third Schedule to this Act.
- (3) Nothing in this section shall [^{F10}empower the High Court to make any regulation which the Secretary of State is empowered to make] by the ^{M5}Courts of Law Fees (Scotland) Act 1895.
- (4) ^{F11}

Textual Amendments

- F9** S. 76(1)(a)–(c) repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 20\) Sch. 10 Pt. I](#)
- F10** Words substituted by [Divorce Jurisdiction, Court Fees and Legal Aid \(Scotland\) Act 1983 \(c. 12, SIF 47\), s. 7\(3\), Sch. 1 para. 10](#)
- F11** S. 76(4) repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1966 \(c. 19\), Sch. Pt. I](#)

Marginal Citations

M5 1895 c. 14.

77 Interpretation.

In this Act, . . . ^{F12}
 . . . ^{F12}
 . . .
 “High Court” means the High Court of Justiciary;
 . . . ^{F12}
 . . .

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Changes to legislation: There are currently no known outstanding effects for the Summary Jurisdiction (Scotland) Act 1954 (Repealed 1.4.1996). (See end of Document for details)

Textual Amendments

F12 S. 77 (except for definition of “High Court”) repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

78 ^{F13}

Textual Amendments

F13 S. 78, Schs. 1, 4 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

79 Short title, commencement and extent.

- (1) This Act may be cited as the Summary Jurisdiction (Scotland) Act 1954.
- (2) This Act shall come into operation on the first day of January, nineteen hundred and fifty–five.
- (3) Save as otherwise expressly provided this Act shall extend to Scotland only.

Status: Point in time view as at 31/03/1996.

Changes to legislation: There are currently no known outstanding effects for the Summary Jurisdiction (Scotland) Act 1954 (Repealed 1.4.1996). (See end of Document for details)

SCHEDULES

F14F14 FIRST SCHEDULE

Textual Amendments

F14 S. 78, Schs. 1, 4 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

F14

SECOND SCHEDULE Sections 13, 14, 15, 16, 18, 20, 31, 42, 56,
59, 66, 69.

FORMS OF PROCEDURE

PART II

FORMS OF COMPLAINT AND CHARGES

Modifications etc. (not altering text)

- C2** Pt. II applied by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 311(1)**, 3112
- C3** Reference to 8s. 1½d. to be read as referring to equivalent amount in new currency: [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**
- C4** The form of complaint set out in Sch. 2 Pt. II is cancelled by [S.I. 1978/834](#), **para. 4(a)**

Under the Summary Jurisdiction (Scotland) Act 1954

In the Court of at

The Complaint of Procurator Fiscal (or Burgh Prosecutor) (*or other party entitled to prosecute*).

A.B. (*Name and address sufficient to distinguish person*) (*or at present in custody*), you are charged at the instance of the Complainer, that on 20th , 19 , in (*or at*) you did (*set forth Charge as in Forms*).

The Complaint will be signed thus—

C.D. Procurator Fiscal (*or Burgh Prosecutor*)

or Justice of the Peace Fiscal)

or

E. F. Complainer

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or

G.H. Solicitor for Complainer.

The following Forms are additional to those contained in Schedule A to the Criminal Procedure (Scotland) Act 1887 all of which, in so far as applicable to charges which may be tried summarily, shall be held to be incorporated in this Schedule.—

You did assault C.D. and strike him with your fists.

You did conduct yourself in a disorderly manner and commit a breach of the peace.

You did threaten violence to the lieges and commit a breach of the peace.

You did fight and commit a breach of the peace.

You did publicly expose your person in a shameless and indecent manner in presence of the lieges.

You did obtain from C.D. board and lodging to the value of [^{F16}60p] without paying and intending not to pay therefor.

Textual Amendments

F16 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

You did maliciously knock down 22 yards of the coping of a wall forming the fence between two fields on the said farm.

You did maliciously place a block of wood on the railway line and attempt to obstruct a train.

You did drive a horse and cart recklessly to the danger of the lieges.

You did break into a poultry house and steal three fowls.

You did steal a coat which you obtained from C.D. on the false representation that you had been sent for it by her husband.

having received from C.D. £6 to hand to E.F., you did on (*date*) at (*place*) steal the said sum.

having received from E.F. a watch in loan, you did on, at, sell it to C.D., and steal it.

having found a watch, you did, without trying to discover its owner, sell it on at , to C.D., and steal it.

You did receive from C.D., a private in the Third Battalion , a military jacket and waist belt, contrary to the Army Act section 156.

You did obtain credit from C.D. to the extent of £22 without informing him that you were an undischarged bankrupt, contrary to the Bankruptcy (Scotland) Act 1913 section 182.

You, being the occupier of the said house, did use the same for the purpose of betting with persons resorting thereto, contrary to the Betting Act 1853 sections 1 and 3.

You did frequent and loiter in the said street for the purpose of betting and receiving bets, contrary to the Street Betting Act 1906 section 1.

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You, having on been convicted on indictment of the crime of theft, aggravated by previous convictions of theft, and sentenced to , were on found within the dwelling–house at, occupied by C.D., about to commit theft, contrary to the Prevention of Crimes Act 1871 section 7.

You, being a dealer in old metals, did purchase from C.D. sixteen pounds of brass, contrary to the Prevention of Crimes Act 1871 section 13.

You did assault C.D., a constable of the Police, while engaged in the execution of his duty, and with a stick strike him on the face to the great effusion of blood, contrary to the Prevention of Crimes Act 1871 section 12.

You did cruelly ill–treat a horse by causing it to draw a cart while it was suffering from a sore on its back under the saddle, contrary to the Protection of Animals (Scotland) Act 1912 section 1.

You did wilfully neglect your children E.B., aged seven years; G.B., aged five years; and F.B., aged three years, by failing to provide them with adequate food and clothing, and by keeping them in a filthy and verminous condition, contrary to the Children and Young Persons (Scotland) Act 1937 section 12.

You, being a debtor in a process of sequestration and within four months next before the presentation of the petition for your sequestration, did pawn, otherwise than in the ordinary way of trade, 3 dozen pairs of shoes which you had obtained on credit from C.D., and had not paid for, contrary to the Bankruptcy (Scotland) Act 1913 section 178(A)(5).

You are the owner of a dog which is dangerous and not kept under proper control, and which on in did chase a flock of sheep, contrary to the Dogs Act 1871 section 2, as amended by the Dogs Act 1906 section 1, whereby you are liable to be ordered to keep the said dog under proper control or to destroy it.

You, being the parent of A.B., a child of school age, aged , who has attended school, and the said child having failed, between and , without reasonable excuse, to attend regularly at the said school, you are thereby guilty of an offence against section 35 of the Education (Scotland) Act 1946.

being an unauthorised place you did keep for sale 150 lbs. of gunpowder, contrary to the Explosives Act 1875 section 5.

You did keep 156 lbs. of gunpowder, and did not keep it in a fireproof safe, contrary to the Explosives Act 1875 section 22 and section 3, subsection (1), Mode B, of the Order in Council dated 26th October, 1896.

, being master of the steam trawler G.N., you did use the method of fishing known as otter trawling, contrary to the Herring Fishery (Scotland) Act 1889 section 6 as amended by the Herring Fishery (Scotland) Act Amendment Act 1890 section 3.

, being master of the steam trawler G.N., you did use the method of fishing known as otter trawling, contrary to Bye–Law No. made by the [Fishery Board for Scotland] [Secretary of State] dated

You did sell and deliver to E.F. to his prejudice an article of food namely: gallons of sweet milk which was not of the nature, substance and quality of the article demanded by him and was not genuine sweet milk in respect that it was deficient in milk fat to the extent of per cent. or thereby in that it contained only per cent. of milk fat whereas genuine sweet milk should contain not less than 3 per cent. of milk fat, conform to certificate of analysis granted on (date) by G.H., analytical chemist (address), public analyst for the burgh of (a copy of which certificate of analysis is annexed hereto) of a sample of the said milk taken (specify time and place) by J.K., duly appointed sampling officer for the burgh of, acting under the direction of the local authority

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for the said burgh, while the said milk was in course of delivery to the said E.F. contrary to the Food and Drugs (Adulteration) Act 1928 section 2, subsection (1), and the Sale of Milk Regulations 1901.

You did induce J.P. to engage in an unlawful game called the “three card trick,” and cheat him of £1, contrary to the Prevention of Gaming (Scotland) Act 1869 section 3.

You did by night enter on the said land with nets for the purpose of taking game, contrary to the Night Poaching Act 1828 section 1; *or*

You did by night unlawfully take six rabbits; contrary to, &c.

You did in the daytime trespass on the said land in search or pursuit of game (*or* rabbits), contrary to the Game (Scotland) Act 1832 section 1.

You were found in the possession of five hares, a net and six net pins, which hares you had obtained by unlawfully going on land in search or pursuit of game, and which net and net pins you had used for unlawfully killing or taking game, or you had been accessory thereto, contrary to the Poaching Prevention Act 1862 section 2.

You did present or cause to be presented to C.D., Assessor for a return in which you falsely stated that the yearly rent of your House, No. Street, , was £20, instead of £30, contrary to the Lands Valuation (Scotland) Act 1854 section 7.

A.B., hotelkeeper, Hotel, you are charged, &c., that on Sunday in your said hotel you did sell a half gill of whisky to C.D., he not being a lodger in the said hotel or a traveller, contrary to your certificate and the Licensing (Scotland) Act 1903 section 53.

You did sell a half gill of whisky to C.D., who was then in a state of intoxication, contrary to your certificate and the Licensing (Scotland) Act 1903 section 53.

You were found in a state of intoxication and incapable of taking care of yourself, and not under the care or protection of some suitable person, contrary to the Licensing (Scotland) Act 1903 section 70.

You did knowingly sell a glass of whisky to C.D., who had been convicted of the offences mentioned in and dealt with under section 72 of the Licensing (Scotland) Act 1903 contrary to the said Act, section 72.

You did ride upon a bicycle without carrying a lamp constructed, placed, and lighted as required by law, contrary to the Road Transport Lighting Act 1927 sections 1 and 5, as amended by the Road Transport Lighting (Cycles) Act 1945.

You did drive a motor car recklessly (*or* at a speed or in a manner which was dangerous to the public), contrary to the Road Traffic Act 1930 section 11.

You did fail to enter in your Pledge Book the sum of 8s. 1½d., the profit charged on a loan of [F16£1.25] to C.D. on security of a watch pawned by him and redeemed on , contrary to the Pawnbrokers Act 1872 section 12.

You did act as a pedlar without having obtained a certificate, contrary to the Pedlars’ Act 1871 section 4.

At one o’clock on the morning of the said date you did sell to C.D. a pie and a bottle of lemonade, contrary to the Burgh Police (Scotland) Act 1892 section 380(6).

You did play at football, to the annoyance of the residents in the said street, contrary to the Burgh Police (Scotland) Act 1892 section 381(26).

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You kept and still keep nine hens and a cock, which are a nuisance to the inhabitants in the neighbourhood, contrary to the Burgh Police (Scotland) Act 1892 section 389; whereby you are liable to be ordained to remove such fowls within such time as the court may fix.

Being a known (or reputed) thief, you were found in possession of a watch and chain, without being able to give a satisfactory account of your possession thereof, contrary to the Burgh Police (Scotland) Act 1892 section 409.

You did place in a Post Office letter box a lighted match, contrary to the Post Office Act 1953 section 60.

You did consign, for the food of man, to E.F. the carcase of a cow which was unsound and unfit for such food, contrary to the Public Health (Scotland) Act 1897 section 43(4).

You did travel in a railway carriage without having previously paid your fare, and with intent to avoid payment thereof, contrary to the Regulation of Railways Act 1889 section 5(3)(a).

having on within the house No. Street, given birth to a female illegitimate child, you did fail, within twenty-one days thereafter, to attend personally and give information to C.D., registrar of births, deaths, and marriages for (Registration District), of the several particulars required to be registered touching such birth, contrary to the Registration of Births, Deaths, and Marriages (Scotland) Act 1854 section 27.

You did take two salmon during the annual close time by means of cobles and sweep nets, contrary to the Salmon Fisheries (Scotland) Act 1868 section 15.

You did carry off from the said premises the following pointed effects, namely, *in fraudem* of C.D., a pointing creditor, contrary to the Small Debt (Scotland) Act 1837 section 20.

You had in your possession for use for trade a counter balance which was false, and two weights, which were unjust, contrary to the Weights and Measures Act 1878 section 25.

THIRD SCHEDULE

Sections 53, 76.

TABLE OF FEES

I.—TO THE PROCURATOR—FISCAL OR SOLICITOR ACTING FOR A PROSECUTOR OTHER THAN THE PUBLIC PROSECUTOR OF A COURT.

Framing the complaint and whole proceedings prior to trial	[^{F21} 37½p]
Each copy of complaint for service	[^{F21} 5p]
Attending a trial— If plea of guilty	[^{F21} 25p]
If proof led	[^{F21} 37½p]
If case adjourned for second diet	[^{F21} 25p]

Textual Amendments

F21 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

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II.—COURT OR CLERK'S DUES*

[*These fees do not apply to Sheriff Court proceedings regulated by Act of Sederunt.]

For each complaint	[^{F21} 12½p]
For whole proceedings at trial— If plea of guilty	[^{F21} 12½p]
If proof led	[^{F21} 25p]
Extract of any judgment, conviction, or order	[^{F21} 5p]
Fee for preparing stated case	[^{F21} £1.50]
To the bar officer for whole proceedings— If plea of guilty	[^{F21} 2½p]
If proof led	[^{F21} 5p]

III.—OFFICER'S FEES

For serving each complaint and returning execution	[^{F21} 7½p]
For citing each witness	[^{F21} 2½p]
For apprehending a respondent or witness	[^{F21} 12½p]
For each hour the prisoner is necessarily in the custody of the officer beyond the first	[^{F21} 5p]

In any case where a concurrent or assistant is required he will be allowed a sum equal to two-thirds of the fee payable to the officer for the same business.

In addition, necessary travelling expenses to be paid.

IV.—WITNESSES

Such reasonable fees and expenses as may be sanctioned by the court.

^{F22}F22 FOURTH SCHEDULE

Textual Amendments

F22 S. 78, Schs. 1, 4 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), Sch. 10 Pt. I

Status:

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Changes to legislation:

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