

SCHEDULE 4 JUSTICE

PART 3

CASES BEGINNING WITH AN APPEARANCE FROM CUSTODY

Ability to take case in any sheriff court

- 8 (1) If it involves an appearance from police custody, a first calling of criminal proceedings in the sheriff court may—
- (a) be taken in any sheriff court in Scotland, and
 - (b) be dealt with in that court by a sheriff of any sheriffdom.
- (2) For the purposes of sub-paragraph (1), a first calling of proceedings involves an appearance from police custody if the person who is the accused or otherwise the subject of the proceedings—
- (a) was arrested by a constable in connection with the offence or other matter to which the proceedings relate, and
 - (b) is not released from custody before the appearance.
- (3) Where sub-paragraph (1) applies, it is for the Lord Advocate or the procurator fiscal to determine which sheriff court a first calling is to be taken in.
- (4) Sub-paragraph (5) applies where a first calling of criminal proceedings comes before a sheriff court by virtue of sub-paragraph (1).
- (5) The proceedings may continue to be dealt with—
- (a) in the same sheriff court, and
 - (b) by a sheriff of any sheriffdom.
- (6) But that court can no longer deal—
- (a) with proceedings on petition or indictment, after—
 - (i) committal until liberation in due course of law, or
 - (ii) any earlier calling at which a plea of not guilty is tendered by the accused but not accepted by the prosecutor,
 - (b) with summary criminal proceedings, after a calling at which a plea of not guilty is tendered by the accused but not accepted by the prosecutor.
- (7) References in this paragraph to the accused or other person who is the subject of the proceedings are to be read in relation to proceedings in which there is more than one such person as a reference to at least one of them.