

SCHEDULE 4 JUSTICE

PART 3

CASES BEGINNING WITH AN APPEARANCE FROM CUSTODY

Paragraph 8: supporting provision

- 9 (1) A sheriff court has jurisdiction for all cases which come before it by virtue of paragraph 8.
- (2) A procurator fiscal for a sheriff court district has—
- (a) power to prosecute or, as the case may be, represent the interests of the prosecutor in any case that comes before the sheriff court of that district by virtue of paragraph 8,
 - (b) the like powers in relation to such cases as the prosecutor has for the purposes of other cases that come before the sheriff when exercising criminal jurisdiction.
- (3) For the purposes of paragraph 8, a sheriff may, without the need for further commission, exercise the jurisdiction and powers that attach to the office of sheriff in relation to criminal proceedings in every sheriffdom (and the same applies accordingly to any other member of the judiciary, so far as that member has the jurisdiction and powers that attach to the office of sheriff in relation to criminal proceedings).
- (4) In paragraph 8 and this paragraph, “criminal proceedings” means any proceedings in which a court is exercising criminal jurisdiction including in particular—
- (a) proceedings on indictment,
 - (b) proceedings on petition,
 - (c) summary criminal proceedings,
 - (d) ancillary proceedings such as proceedings in respect of—
 - (i) breach of bail,
 - (ii) non-payment of a fine or other monetary penalty,
 - (iii) breach of an order of a court, or
 - (iv) failure of an accused person or a witness to attend a diet.
- (5) Any expression used in paragraph 8 or this paragraph which is also used in the Criminal Procedure (Scotland) Act 1995 has the same meaning here as it does there.
- (6) Paragraph 8 and this paragraph are without prejudice to sections 4 to 10, 34A and 137C of the Criminal Procedure (Scotland) Act 1995.