

CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022

EXPLANATORY NOTES

SCHEDULE: TEMPORARY MEASURES

Part 4: National jurisdiction for first callings from custody, etc.

Ability to take first calling in any sheriff court and then maintain proceedings

Ability of any sheriff court to deal with proceedings following failure to appear

264. [Paragraph 17](#) allows a sheriff court to deal with prosecution proceedings for which it would not normally have jurisdiction where the accused has come before it having been arrested for a failure to appear in those prosecution proceedings.
265. When an accused person fails to appear in court, the court can grant a warrant for the accused's arrest. On arrest the person will be brought before a court as soon as is practicable. That court appearance will be a form of "ancillary proceedings" within the meaning of paragraph 19(1)(d) and therefore any sheriff court can deal with it by virtue of paragraph 16(1). The ancillary proceedings for failing to appear are separate from the main prosecution proceedings. If the person had been brought before the court that had normal territorial jurisdiction for the main prosecution proceedings, the court might have dealt with them as well as the proceedings for the person's failure to appear. Paragraph 18 allows a court that has jurisdiction to deal with the ancillary proceedings to deal with the prosecution proceedings in the same way that the court with normal territorial jurisdiction would. In most cases that will mean rescheduling diets in light of a hearing having been missed when the accused failed to attend, but in the case of summary proceedings if the accused pleads guilty it may include sentencing the accused or ordering reports ahead of sentencing.