

SCHEDULE TEMPORARY JUSTICE MEASURES

PART 4

NATIONAL JURISDICTION FOR CALLINGS FROM CUSTODY ETC.

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

- 16 (1) A calling of criminal proceedings in the sheriff court to which [sub-paragraph \(2\)](#) applies may be dealt with—
- (a) in any sheriff court in Scotland, and
 - (b) by a sheriff of any sheriffdom.
- (2) [This sub-paragraph](#) applies to a calling of criminal proceedings in which the person who is the subject of the proceedings is appearing from custody—
- (a) having been arrested by a constable in connection with the matter to which the proceedings relate, and
 - (b) without having subsequently—
 - (i) been released from custody, or
 - (ii) had a court authorise the person’s continued remand in custody.
- (3) If more than one person is the subject of the proceedings, the reference in [sub-paragraph \(2\)](#) to the person who is the subject of the proceedings is to be read as referring to any of them.
- (4) It is for the Lord Advocate or the procurator fiscal to determine in which sheriff court a calling to which [sub-paragraph \(2\)](#) applies is to be taken.
- (5) Where proceedings have come before a sheriff court by virtue of [sub-paragraph \(1\)](#), the proceedings may continue to be dealt with—
- (a) in the same sheriff court, and
 - (b) by a sheriff of any sheriffdom.
- (6) Proceedings may continue to be dealt with by virtue of [sub-paragraph \(5\)](#) until their conclusion, except that—
- (a) in the case of summary proceedings, or proceedings on petition or indictment, insofar as the proceedings relate to a charge in respect of which the accused person has tendered a plea of not guilty which has not been accepted by the prosecutor, they cannot continue to be dealt with by virtue of [sub-paragraph \(5\)](#) after the end of the diet at which that plea was tendered,
 - (b) in the case of proceedings on petition or indictment, they cannot continue to be dealt with by virtue of [sub-paragraph \(5\)](#) after committal of the accused person until liberation in due course of law.
- (7) For the purposes of [sub-paragraph \(5\)](#), proceedings on petition and any subsequent proceedings on indictment are to be treated as the same proceedings.

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

- 17 (1) [This paragraph](#) applies where—

Status: This is the original version (as it was originally enacted).

- (a) a calling of proceedings has come before a sheriff court by virtue of [paragraph 16\(1\)](#), and
 - (b) the proceedings are in respect of an accused person’s failure to attend a diet in summary criminal proceedings or proceedings on indictment (“the principal proceedings”).
- (2) If the principal proceedings are proceedings on indictment, the court may deal with them until the end of the diet in which the calling mentioned in [sub-paragraph \(1\)\(a\)](#) takes place.
- (3) If the principal proceedings are summary criminal proceedings, they may continue to be dealt with—
- (a) in the same sheriff court, and
 - (b) by a sheriff of any sheriffdom,
- unless, and until the end of the diet at which, the accused person tenders a plea of not guilty or confirms that the person is adhering to a previously tendered plea of not guilty and (in either case) that plea is not accepted by the prosecutor.

Further provision about extra-territorial jurisdiction

- 18 (1) A sheriff court has jurisdiction for all cases which come before it by virtue of [this Part](#).
- (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 [this Part](#),
 - (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 [this Part](#), 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) [This Part](#) is without prejudice to sections 4 to 10, 34A and 137C of the Criminal Procedure (Scotland) Act 1995.

Interpretation of Part

- 19 (1) In [this Part](#), “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 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.

Status: This is the original version (as it was originally enacted).

- (2) Any expression used in [this Part](#) which is also used in the Criminal Procedure (Scotland) Act 1995 has the same meaning as it does in that Act.