



District Courts (Scotland) Act 1975

1975 CHAPTER 20

PART I

DISTRICT COURTS

6 District prosecutor

- (1) Until the Lord Advocate directs that all prosecutions in a commission area shall proceed at the instance of a procurator fiscal appointed by him, every local authority shall appoint a district prosecutor for the district court and pay to him such reasonable salary as they may determine.
- (2) A procurator fiscal appointed by the Lord Advocate or a district prosecutor may institute and carry on proceedings in the district court, and a procurator fiscal so appointed shall have all the powers and privileges of a district prosecutor.
- (3) Within the district of the district court the district prosecutor shall have all the powers and privileges of a prosecutor in the existing courts and those pertaining by law to a procurator fiscal.
- (4) The Lord Advocate may issue directions to a district prosecutor regarding the prosecution of offences in the district court, and the district prosecutor shall comply with any such direction.
- (5) A district prosecutor shall report to the Lord Advocate on any matter concerning the discharge of his functions as and when called upon to do so by or on behalf of the Lord Advocate.
- (6) A complaint at the instance of the district prosecutor for any district may, in the event of his dying or ceasing to be entitled to discharge the duties of district prosecutor for that district, be taken up and proceeded with by any other person entitled to discharge such duties.
- (7) The offices of clerk to the district court and district prosecutor shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

Status: This is the original version (as it was originally enacted).

- (8) A district prosecutor shall not be removed or suspended from office or have his salary diminished by a local authority without the consent of the Lord Advocate.
- (9) The prosecutions authorised by virtue of this Act under complaint by the procurator fiscal or district prosecutor shall be without prejudice to complaints at the instance of any other person entitled to make the same.