

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1987, Cross Heading: The Criminal Procedure (Scotland) Act 1975 (c. 21). (See end of Document for details)

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The Criminal Procedure (Scotland) Act 1975 (c. 21)

- 4 In section 5(1) (crimes committed in different districts)—
- (a) for the words “a court to be held in” there shall be substituted the words “the sheriff court of”; and
 - (b) the words “,whether that court is the High Court or the sheriff court” shall be omitted.
- 5 In section 86 (selection of jurors)—
- (a) for the words “The High Court may by Act of Adjournal specify” there shall be substituted the words “The Lord Justice General, whom failing the Lord Justice Clerk, may give directions as to”; and
 - (b) for the words “in that court to be held in Edinburgh” there shall be substituted the words “to be held in the High Court”,
- and the section as amended shall be subsection (1); and there shall be added the following new subsection—
- “(2) Where a sitting of the High Court is to be held at a town in which the High Court does not usually sit, the jury summoned to try any case in such a sitting shall be summoned from the general jury roll of the sheriff court district in which the town is situated.”.
- 6 In section 113(2) (difference as to rotation of judges) at the end there shall be added the words “whom failing by the Lord Justice Clerk”.
- 7 In section 129 (balloting of jurors), after the word “aside,” there shall be inserted the words “or shall, before any evidence is led, be excused”.
- 8 In each of sections 141(3) and 346(3) (which permit the prosecutor or an accused to call a co-accused as a witness)—
- (a) after the words “guilty to” there shall be inserted the words “or been acquitted of”; and
 - (b) after the words “whether or not” there shall be inserted the words “, in a case where the co-accused has pleaded guilty to any charge,”; and

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- (c) after the word “sentenced)” there shall be inserted the words “or in respect of whom the diet has been deserted”.
- 9 In section 149(1) (calling additional evidence)—
- (a) for the words “after the close of that party’s evidence and” there shall be substituted the words “at any time”; and
- (b) in paragraph (b) for the words “party’s evidence was closed” there shall be substituted the words “jury was sworn”.
- 10 In each of sections 183(1) and 384(1) (probation orders)—
- (a) after the word “offender” where it first occurs there shall be inserted the words “and having obtained a report as to the circumstances and character of the offender”, and
- (b) for the word “one” there shall be substituted the words “six months”.
- 11 In section 212(1) (recall to young offenders institution on reconviction)—
- (a) the words “in a” shall be omitted; and
- (b) for the words “an institution” there shall be substituted the word “detention”.
- 12 In each of sections 215 and 426 (detention etc. deemed to be legal custody) for the words “Part I of the Criminal Justice (Scotland) Act 1980” there shall be substituted the words “any other enactment or any subordinate instrument”.
- 13 (1) In section 245(1) (quorum and sitting of the High Court in appeals), for the words “or other proceeding under this Part of this Act” there shall be substituted the words “under this Part of this Act or any proceeding connected therewith”.
- (2) In section 246 (arrangement of appeal sittings), after the words “section 247 of this Act)” there shall be inserted the words “for the purposes of hearing and determining any appeal under this Part of this Act or any proceeding connected therewith”.
- 14 (1) In section 268 (reckoning of time spent in custody pending appeal), for subsection (1) there shall be substituted the following subsection—
- “(1) Subject to subsection (2) below, where an appellant is admitted to bail under section 238 of this Act the period beginning with the date of his admission to bail and ending on the date of his readmission to prison in consequence of the determination or abandonment of his appeal shall not be reckoned as part of any term of imprisonment under this sentence.”.
- (2) In subsection (2) of that section, after the word “appeal” there shall be inserted the words “, including any period spent in custody in consequence of the recall of his bail,”.
- (3) For subsection (3) of that section there shall be substituted the following subsection—

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“(3) Subject to any direction which the High Court may give to the contrary, imprisonment of an appellant—

- (a) who is in custody in consequence of the conviction or sentence appealed against shall be deemed to run as from the date on which the sentence was passed;
- (b) who is in custody other than in consequence of such conviction or sentence shall be deemed to run or to be resumed as from the date on which his appeal was determined or abandoned;
- (c) who is not in custody shall be deemed to run or to be resumed as from the date on which he is received into prison under the sentence.”.

15 In section 289B—

- (a) in subsection (7) for the words “Subsection (4) above” there shall be substituted the words “Section 289GA(1) of this Act”; and
- (b) in subsection (8) for the words “subsection (4) above” there shall be substituted the words “section 289GA(1) of this Act”.

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