



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART IX

#### SUMMARY PROCEEDINGS

##### *General*

#### **[<sup>F1</sup>137CB] Transfer of JP court proceedings outwith sheriffdom**

- (1) Subsection (2) applies where the clerk of a JP court informs the prosecutor that, because of exceptional circumstances which could not reasonably have been foreseen, it is not practicable for the JP court or any other JP court in the sheriffdom to proceed with some or all of the summary cases due to call at a diet.
- (2) The prosecutor shall as soon as practicable apply to the sheriff principal for an order for the transfer of the proceedings to a JP court in another sheriffdom (and for adjournment to a diet of that court).
- (3) Subsection (4) applies where—
  - (a) either—
    - (i) the accused person has been cited in summary proceedings to attend a diet of a JP court, or
    - (ii) if the accused person has not been cited to such a diet, summary proceedings against the accused have been commenced in a JP court, and
  - (b) there are also summary proceedings against the accused person in a JP court in another sheriffdom.
- (4) The prosecutor may apply to a justice for an order for the transfer of the proceedings to a JP court in the other sheriffdom (and for adjournment to a diet of that court).
- (5) Subsection (6) applies where—
  - (a) the prosecutor intends to take summary proceedings against an accused person in a JP court, and

*Status: Point in time view as at 06/11/2019.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 137CB is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) there are also summary proceedings against the accused person in a JP court in another sheriffdom.
- (6) The prosecutor may apply to a justice for an order for authority for the proceedings to be taken at a JP court in the other sheriffdom.
- (7) On an application under subsection (2), the sheriff principal may make the order sought with the consent of the sheriff principal of the other sheriffdom.
- (8) On an application under subsection (4) or (6), the justice is to make the order sought if—
  - (a) the justice considers that it would be expedient for the different cases involved to be dealt with by the same court, and
  - (b) a justice of the other sheriffdom consents.
- (9) On the application of the prosecutor, the sheriff principal who has made an order under subsection (7) may, with the consent of the sheriff principal of the other sheriffdom—
  - (a) revoke the order, or
  - (b) vary it so as to restrict its effect.
- (10) On the application of the prosecutor, the justice who has made an order under subsection (8) (or another justice of the same sheriffdom) may, with the consent of a justice of the other sheriffdom—
  - (a) revoke the order, or
  - (b) vary it so as to restrict its effect.]

#### Textual Amendments

**F1** Ss. 137CA-137CC inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#) , **ss. 61** , 206(1) ; S.S.I. 2011/178 , art. 2 , sch.

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