



Criminal Procedure (Scotland) Act 1887

1887 CHAPTER 35

28 FIRST DIET—Sheriff Court case

At such first diet the Procurator Fiscal of the district in which such first diet is called, shall act as representing Her Majesty's advocate, unless an Advocate Depute or the Procurator Fiscal of the district of the second diet shall appear to prosecute, and where the case is one the second diet of which is to be in the Sheriff Court, the sheriff shall proceed according to the existing law and practice, except in so far as varied by this Act, and where the sheriff presiding is not the sheriff of the court of the second diet, he shall have all the powers now exercised under the existing law and practice by a sheriff at a first diet, and where a person accused pleads guilty in whole or in part the sheriff shall have power to adjourn the case to another sitting of his court with a view to considering what sentence should be pronounced, whether the case be one the second diet of which is to be called in his own or another court; and where the second diet is fixed for a different court any interlocutor disposing of any preliminary plea, any plea tendered, any interlocutor adjourning the case, or any sentence pronounced shall be written on the record copy of the indictment, and where a plea is one of guilty to the indictment or any part thereof, the accused person shall be required to sign the same if he be able to write, and in any case the sheriff shall append his signature to the plea recorded, and where the person accused pleads guilty to only a part of the charge, or to a minor offence included in the charge, and the prosecutor does not accept such plea, or where on a plea of guilty to the whole charge the sheriff shall consider it expedient in the circumstances, whether on the representation of the person accused or otherwise, that the sentence to be pronounced should be determined by the sheriff of the district in which the second diet is to be called, he shall sign an interlocutor on said record copy in the form of Schedule H. to this Act annexed, and the sheriff clerk shall record any interlocutors signed, plea tendered, or sentence pronounced, in the books of court, or in a record to be kept for the purpose, and shall forthwith transmit said record copy indictment and extract convictions relative thereto to the sheriff clerk of the district of the Court of the second diet.