

1978 No. 123 (S. 12)

## HIGH COURT OF JUSTICIARY, SCOTLAND

## Act of Adjournal (Sentencing Powers etc) 1978

Made - - - - 26th January 1978

Coming into Operation 20th February 1978

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred upon them by sections 282 and 457 of the Criminal Procedure (Scotland) Act 1975(a) and of all other powers enabling them in that behalf, do hereby enact and declare:—

*Citation, commencement and interpretation*

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Sentencing Powers etc.) 1978 and shall come into operation on 20th February 1978.

(2) The Interpretation Act 1889(b) shall apply to this Act of Adjournal as it applies to an Act of Parliament.

(3) Expressions used in this Act of Adjournal and the said Act of 1975 shall have the meaning assigned to them by that Act.

(4) In this Act of Adjournal “judge” includes sheriff.

*Interruption of solemn or summary proceedings*

2.—(1) On conviction of an accused person in solemn or summary proceedings the presiding judge may, without adjourning those proceedings, interrupt them by—

(a) considering a conviction against that person in other proceedings pending before that Court for which he has not been sentenced;

(b) passing sentence on that person in respect of the conviction in those other proceedings.

(2) When the judge has interrupted solemn or summary proceedings under the powers contained in sub-paragraph (1), he may in passing sentence on an accused person in respect of a conviction in those proceedings at the same time pass sentence on that person in respect of any other conviction he has considered thereunder.

(3) No interruption of solemn or summary proceedings under the powers contained in sub-paragraphs (1) and (2) shall cause the instance to fall in respect of any person accused in those proceedings or shall otherwise affect the validity of those proceedings.

(a) 1975 c. 21.

(b) 1889 c. 63.

*Accused to plead personally*

3.—(1) Subject to paragraph (2), in any summary proceedings where a person accused in those proceedings is personally present in court, that person shall himself plead to the charge against him, whether or not he is represented.

(2) If the sheriff is satisfied that the accused person is not capable for any reason of pleading personally to the charge against him, it shall be sufficient if the plea is tendered by a solicitor or by counsel on his behalf.

And the Lords appoint this Act of Adjournal to be recorded in the Books of Adjournal.

*G. C. Emslie,  
I.P.D.*

Edinburgh.  
26th January 1978.

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EXPLANATORY NOTE

*(This Note is not part of the Act of Adjournal.)*

This Act of Adjournal gives effect to recommendations 85, 171 and 172 of the second Report on Criminal Procedure in Scotland (Cmmd. 6218).

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