
STATUTORY INSTRUMENTS

1988 No. 110

Act of Adjournal (Consolidation) 1988

CHAPTER 2

SUMMARY PROCEDURE

PART III

CONVICTION AND SENTENCE

Interruption of proceedings

123.—(1) On conviction of an accused person in summary proceedings the 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 any proceedings under the powers contained in 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 any proceedings under the powers contained in 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.

Forms for fines enquiry and related matters

124.—(1) The forms set out in Forms 57 to 69 of Schedule 1 shall have effect in summary proceedings for the purpose of determining means in respect of fines and related matters.

(2) Those forms may be used for that purpose with such variations as circumstances may require.

(3) This rule does not affect the Second Schedule to the Summary Jurisdiction (Scotland) Act 1954⁽¹⁾.

Compensation orders

125.—(1) The provisions of this rule apply to compensation orders made by courts against convicted persons under Part IV of the 1980 Act.

(2) Entries shall be made in the minutes of proceedings by the clerk of court on the making of a compensation order, specifying the terms of the order and in particular—

- (a) the name of the convicted person or persons required to pay compensation;
- (b) the amount of compensation required to be paid by such person or such persons;

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- (c) the name of the person or persons entitled to the compensation payable;
 - (d) where there is more than one such person, the amount of compensation each is entitled to and the priority, if any, among those persons for payment.
- (3) The prosecutor, if he knows that any person entitled to payment of compensation under a compensation order is under any legal disability, shall so inform the court immediately it makes any such order in respect of any such person, and that information shall be entered by the clerk of court in the minutes of proceedings.
- (4) Those entries shall be authenticated by the signature of the clerk of court.
- (5) The judge may, at any time before a compensation order is fully complied with, and after such further enquiries as the court may order, vary the terms of the order as he thinks fit.
- (6) A variation order under paragraph (5) may be made in chambers and in the absence of the parties, or any of them.
- (7) An application to discharge a compensation order or to reduce the amount that remains to be paid under section 64 of the 1980 Act shall be made in writing to the clerk of the court to whom application may be made in accordance with the provisions of that section.
- (8) The clerk of court shall, on any such application being made to him, cause intimation of the application to be given to the procurator fiscal.
- (9) The court to whom the application is made may dispose of the application after such inquiry as it thinks fit.
- (10) Where payment of any sum is made under a compensation order to the clerk of court in respect of a person known to be under a legal disability, paragraphs (1) to (3) and (5) of rule 128 of the First Schedule to the Sheriff Courts (Scotland) Act 1907 shall apply to the administration of that sum as they apply to the administration of a sum of money paid into court in respect of damages for such a person.

Form of probation order

- 126.** A probation order shall be in the form set out in Form 35 of Schedule 1.