



# Criminal Procedure (Scotland) Act 1975

## CHAPTER 21

### CRIMINAL PROCEDURE (SCOTLAND) ACT 1975

#### PART I

##### SOLEMN PROCEDURE

###### *Jurisdiction*

- 1 Application of Part I of this Act.
- 2 Jurisdiction and powers of courts of solemn jurisdiction.
- 3 Jurisdiction of sheriff.
- 4 Boundaries of jurisdiction.
- 5 Procedure in case of crime in different districts.
- 6 Jurisdiction and procedure in respect of certain indictable offences committed abroad.
- 7 Theft outside Scotland.
- 8 Trial of certain crimes and offences in sheriff court.
- 9 Instructions by Lord Advocate as to reporting offences.
- 10 Intimation of proceedings in High Court to Lord Advocate.
- 11 Procedure after intimation.

##### PROCEDURE PRIOR TO TRIAL

###### *Arrest, Judicial Examination, Custody, Bail, Etc.*

- 12 Petitions for Warrants.
- 13 Warrants for arrest of escaped prisoners and mental patients.
- 14 Warrant to search for or remove a child.
- 15 Sheriff's warrant may be executed out of district.
- 15A Warrants for search and apprehension to be signed by judge.
- 16 Backing of certain warrants from the Isle of Man.

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- 17 .....
- 18 Power of constable to take offenders into custody.
- 19 Prisoners before examination to have access to solicitor.
- 20 Accused at examination need not emit a declaration.
- 20A Accused at examination may be questioned by prosecutor.
- 20B Record to be made of proceedings at examination.
- 21 Examination of accused on charges arising in different districts.
- 22 Committal until liberation in due course of law.
- 23 Remand and committal of persons under 21.
- 24 Committal of children to custody in place of safety.
- 25 Power of court to commit to hospital a person suffering from mental disorder.
- 26 Bail competent before committal.
- 27 Renewal of application for bail after committal.
- 28 Admission or refusal of bail after committal.
- 28A No bail for persons charged with or convicted of homicide or rape after previous conviction of such offences.
- 29 .....
- 30 Application for review of court's decision on bail and caution.
- 30A Application by prosecutor for review of court's decision to grant bail.
- 31 Appeal in respect of bail.
- 32 No fees exigible against accused in respect of application for bail.
- 33 Liberation of applicant when appeal by public prosecutor.
- 34 .....
- 35 Right of Lord Advocate and High Court to admit a person to bail.
- 36 .....
- 37 Power to order parent to give security for child's good behaviour.
- 38 Separation of children from adults at courts, etc.
- 39 Attendance at court of parent of child charged with an offence, etc.
- 40 Notice to local authority of charge against a child.

#### *The Indictment*

- 41 Indictment forms.
- 42 Procedure on resignation, death or removal of Lord Advocate.
- 43 Naming of accused.
- 44 Nomen juris unnecessary.
- 45 Case of two or more persons charged.
- 46 "Guilty, actor or art and part" unnecessary.
- 47 "All which or part" implied.
- 48 Qualifying words to be implied.
- 48A Common law and statutory offences in same indictment.
- 48B Description of offence in words of statute or order.
- 49 Quotation of statutes unnecessary.
- 50 Latitude as to time and place.
- 51 Latitude as to quantities, persons, things or modes.
- 52 Description of buildings, goods, money or other property.
- 53 Description of persons, goods, etc.
- 54 "Money" to include coin, bank notes and post office orders.
- 55 Setting forth documents unnecessary.
- 56 Declarations, etc., not averred.
- 57 Indictments, etc., written or printed or partly so.
- 58 Authentication of alterations to indictment, etc.

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- 59 Reset.
- 60 Robbery, etc. to include reset, and theft to include breach of trust, etc.
- 60A Proceedings under the Merchant Shipping Acts.
- 61 Procedure where more than one crime charged.
- 62 Mode of charging certain offences committed against two or more children under 17.
- 63 Attempt at crime.
- 64 Statutory offences which are offences at common law.
- 65 Superfluous particulars as to identity.
- 66 Proof of exceptions, qualifications, etc.
- 67 Offence committed in special capacity.

*Notice of previous convictions*

- 68 Notice of previous convictions.

*Citation of Accused, Witnesses and Jurors*

- 69 Warrants for citation.
- 70 Service of indictment and list of witnesses.
- 71 Manner of service of indictment, etc.
- 72 Officers may cite jurors and witnesses, without witnesses and oath of officer sufficient evidence of citation.
- 73 Execution of citation of indictment.
- 74 Proceedings against bodies corporate.

*Fixing the Diets*

- 75 Notice of trial diet.
- 75A First diet.
- 76 Preliminary diet.
- 76A Appeal in connection with preliminary diet.
- 77 Alteration of trial diet.
- 77A Application for postponement of trial diet.

*Lodging of List of Witnesses, Productions, Special Defence, Etc.*

- 78 Record copy of indictment and list of witnesses.
- 79 Description of witnesses.
- 80 Objection to witness.
- 81 Examination by prosecutor of witnesses, etc., not included in lists lodged.
- 82 Written notice of special defence and examination of witnesses and productions not included in lists lodged.
- 82A Parties may examine each other's witnesses etc.
- 83 Accused entitled to see productions.
- 84 Proof as to productions.
- 84A Agreement of evidence.

*Preparation of Jury List, etc.*

- 85 Forty-five jurors to be returned for trials.
- 86 Jurors for High Court at Edinburgh.
- 87, 88 .....
- 89 Jurors in inferior courts.

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- 90 Order in which names of jurors are to be taken.
- 91 Names of jurors dying or becoming disqualified to be passed over in making returns of jurors.
- 92 Jurors as returned to serve on trials.
- 93 Names of jurors to be inserted in one roll.
- 94 One list of assize sufficient for all trials at the same diet in High Court.
- 95 No irregularity in lists, etc., to be an objection to jurors.
- 96 Note of jury list.
- 97 Sufficient jurors only to be summoned.
- 98 Jurors to be cited by registered letter or recorded delivery.
- 99 Fining of jurors for non-attendance.
- 100 No exemptions by sex or marriage from liability to serve as juror.

*Delay in trial*

- 101 Prevention of delay in trials.

*Accelerated Trial*

- 102 Procedure where accused desires to plead guilty.

*First Diet*

- 103 Pleas of guilty.
- 104 Remit to High Court for sentence.
- 105— .....
- 107
- 108 Certain objections competent only at first diet.
- 109 Interlocutor of relevancy unnecessary.
- 110 Where sentence delayed, original warrant of commitment stands.
- 111 Postponement on old warrant where diet deserted.
- 111A Computation of period.

*Sittings of High Court*

- 112 Place of High Court Sittings.
- 113 Judges in High Court.
- 114 Fixing of High Court sittings.
- 114A Transfer of sheriff court solemn proceedings.
- 115— .....
- 119
- 120 .....

*Procedure at Trial*

- 121, 122 .....
- 123 Amendment of indictment.
- 124 On plea of guilty, jury to be dispensed with and sentence pronounced.
- 125 On plea of not guilty, jury to be balloted and sworn.
- 126 On plea of not guilty, the indictment need not be read over.
- 127 Procedure where trial does not take place.
- 128 Provision for death or illness of judge.
- 129 Jury to be chosen by ballot in open court.
- 130 Challenges and objections to jurors.
- 131 Juror without citation not to be objected to.

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- 132 Jurors chosen for one trial may continue to serve.
- 133 Jurors may be excused.
- 134 Provision for death or illness of jurors.
- 135 Clerk to state charge, and swear jury.
- 136 Trial to be continuous.
- 137 Seclusion of jury.
- 137A Verdict by judge alone.
- 138 Witnesses not to be excluded by reason of conviction, interest, etc.
- 139 Witnesses admissible notwithstanding relationship to parties.
- 139A Power to permit witness to be in court during trial.
- 140 Presence in court not to disqualify witnesses in certain cases.
- 140A No case to answer.
- 141 Accused and spouse competent witnesses for defence.
- 141ZA Evidence of criminal record and character of accused.
- 141A Evidence in relation to sexual offences.
- 141B Exceptions to prohibition.
- 142 Evidence of accused.
- 143 Spouse to be competent witness.
- 144 Notice of spouse as witness.
- 145 Trial in open court.
- 146 Sheriff's notes of evidence.
- 147 Witness may be examined, etc., as to having previously made a different statement.
- 148 Examination of witness.
- 148A Recall of witnesses.
- 149 Additional evidence.
- 149A Evidence in replication.
- 150 Admissions and agreements as to evidence.
- 151 Record of proceedings at examination to be received in evidence without being sworn to by witnesses.
- 152 Defence to speak last.
- 153 Seclusion of jury, etc., after retiral.
- 154 Oral verdicts to be returned by juries.
- 155 Verdicts may be returned by juries without retiring.
- 155A Taking of other proceedings while jury out.
- 156 Interruption of trial for verdict in earlier trial.
- 157 Interruption of trial for plea or sentence in another cause.
- 158 No proceeding under section 156 or 157 of this Act to be deemed an irregularity.
- 159 Previous convictions.
- 160 Laying of previous convictions before jury.
- 161 Laying of previous convictions before judge.
- 162 Extract convictions to be received and manner of proof.
- 163 Extract conviction to be issued by clerk having record copy of indictment.
- 164 Proof of previous convictions by fingerprints.

*Procedure at trial involving children*

- 165 Child under 14 not to be in court during trial of another person.
- 166 Power to clear court while child is giving evidence in certain cases.
- 167 Power to proceed with case in absence of person under 17.

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- 168 Power of court, in respect of certain offences against a child, to refer child to reporter.
- 169 Restrictions on report of proceedings involving person under 16.
- 170 Age of criminal responsibility.
- 171 Presumption and determination of age of child.
- 172 Welfare of child.
- 173 Reference and remit of children's cases by courts to children's hearings.

*Procedure at trial of persons suffering from mental disorder*

- 174 Insanity in bar of trial or as the ground of acquittal.
- 174ZA Examination of facts.
- 174ZB Examination of facts: supplementary provisions.
- 174ZC Disposal of case where accused found to be insane.
- 174ZD Appeal by accused in case involving insanity.
- 174ZE Appeal by Lord Advocate in case involving insanity.
- 174A Interim hospital orders.
- 175 Power of court to order hospital admission or guardianship.
- 176 Requirements as to medical evidence.
- 177 Supplementary provisions as to hospital orders.
- 178 Power of court to restrict discharge from hospital.

CONVICTION AND SENTENCE

*Adjournment and remand*

- 179 Power of court to adjourn a case before sentence.
- 179A Offence committed by person under supervision etc.: provision of local authority report.
- 180 Remand for inquiry into physical or mental condition.

*Admonition and discharge*

- 181 Admonition.
- 182 Absolute discharge.

*Caution*

- 182A Caution.

*Probation*

- 183 Probation.
- 184 Probation orders requiring treatment for mental condition.
- 185 Discharge and amendment of probation orders.
- 186 Failure to comply with requirement of probation order.
- 187 Commission of further offence.
- 188 Probation orders relating to persons residing in England.
- 189 Further provisions as to probation orders.
- 190 Supplementary provisions as to probation.
- 191 Effects of probation and absolute discharge.
- 192 Probation reports.

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*Penalties for statutory offences*

- 193 Power to mitigate penalties.
- 193A Fines on conviction on indictment to be without limit.
- 193B .....

*Fines*

- 194 Application of summary procedure provisions relating to fines.
- 195 .....
- 196 Fines, etc., may be enforced in other district.
- 197— .....
- 202 .....
- 203 Fines payable to H.M. Exchequer.
- 204 .....

*Imprisonment, etc.*

- 205 Punishment for murder.
- 205A Recommendation as to minimum period of detention for person convicted of murder.
- 206 Detention of children convicted on indictment.
- 206A .....
- 207 Detention of young offenders.
- 208–211 .....
- 212 Recall to young offenders institution on re-conviction.
- 212A Supervised release orders.
- 213 .....
- 214 Return to prison in case of breach of supervision.
- 215 Legal custody.

*Miscellaneous provisions as to conviction, sentence, etc.*

- 216 Art and part guilt of statutory offence.
- 217 Form of sentence.
- 217A Sentence following guilty plea.
- 218 Consideration of time spent in custody.
- 219 Deferred sentence.
- 220 Capital sentence not competent under this Act.
- 221 No penal servitude or hard labour.
- 222 No fees exigible.
- 223 Forfeiture of property.
- 223A Disqualification in Scotland where vehicle used to commit offence.
- 224 Warrant of search for forfeited articles.
- 225 Interlocutors to be signed by clerk.
- 226 Record copies to be inserted in books of adjournal of High Court.
- 227 Indictment to be inserted in record book in sheriff court.
- 227A Correction of entries.

APPEAL

*Procedure prior to hearing*

- 228 Right of appeal.

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- 228A Appeal by Lord Advocate against sentence in solemn proceedings.
- 229 .....
- 230 Bill of suspension not competent.
- 230A Leave to appeal.
- 231 Intimation of intention to appeal.
- 232 .....
- 233 Note of appeal.
- 234 Presentation of appeal in writing.
- 235 Applications may be made orally or in writing.
- 236 Proceedings in sheriff court to be furnished.
- 236A Judge's report.
- 236B Computation of periods.
- 236C Signing of documents.
- 237 Note of Proceedings.
- 238 Admission of appellant to bail.
- 239 Clerk to give notice of date of hearing.
- 240 Appellant may be present at hearing.
- 241 Notice to authorities, etc., of date of hearing.
- 242 Notice to Prison Commissioners of attendance of appellant at hearing.
- 242A Special provision where appellant is Lord Advocate.
- 243 Warders to attend court.
- 244 Abandonment of appeal.

#### *Procedure at hearing*

- 245 Quorum and sitting of High Court.
- 246 Sittings to be arranged by Lord Justice General.
- 247 Powers which may be exercised by a single judge.
- 248 Single judge may act wherever convenient.
- 249 Interlocutory proceedings.
- 250 Representation before single judge.
- 251 Appeal against refusal of application.
- 252 Powers of High Court.
- 253 Evidence in court or on commission.
- 254 Disposal of appeals.
- 254A Sentencing guidelines.
- 254B Convictions not to be quashed on certain grounds.
- 255 Supplementary provisions where High Court authorises new prosecution.
- 256 Frivolous appeals.
- 257 Failure to appear at hearing.
- 258 Appellant may be sentenced in absence.
- 259 Continuation of hearing.
- 260 Notice of decision of court on application.
- 261 Notice of determination of appeal.
- 262 Finality of proceedings.

#### *Further provisions as to appeals*

- 263 Prerogative of mercy.
- 263A Lord Advocate's reference.
- 264 Disqualification, forfeiture, etc.
- 265 Fines and caution.
- 266 Expenses.



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- 267 No fees exigible.
- 268 Reckoning of time spent pending appeal.
- 269 Extract convictions.
- 270 Custody of trial documents, etc.
- 271 Clerk of Justiciary to furnish forms, etc.
- 272 Note to be kept of appeal.
- 273 Register of appeals.
- 274 Shorthand notes of trial.
- 275 Certification of shorthand notes, etc.
- 276 Declaration administered to shorthand writer.
- 277 Non-compliance with certain provisions may be waived.
- 278 Forms of procedure may be varied.
- 279 Interpretation of sections 228 to 278 of this Act.
- 280 Appeals against hospital orders, etc.
- 280A Prosecution appeal by bill of advocacy.

#### *Miscellaneous*

- 281 High Court proceedings final.
- 282 Acts of Adjournal.
- 282A Right of audience of solicitor before the High Court.
- 282B Further provision as to rights of audience.

## **PART II**

### **SUMMARY PROCEDURE**

#### *Jurisdiction*

- 283 Application of Part II of this Act.
- 283A Offences which are to become triable only summarily.
- 284 Jurisdiction of inferior courts.
- 285 Certain crimes not to be tried in inferior courts.
- 286 Remit to higher court or other jurisdiction.
- 287 Boundaries of jurisdiction.
- 288 Jurisdiction of sheriff.
- 289 Summary powers of sheriff.
- 289A Amendments relating to penalties (and mode of trial) for offences made triable only summarily.
- 289B Penalties on summary conviction for offences triable either summarily or on indictment.
- 289C Increase of fines for certain summary offences.
- 289D Power to alter sums specified in certain provisions.
- 289E Penalties for first and subsequent convictions of summary offences to be the same.
- 289F Increase of fines for certain summary offences.
- 289G The standard scale: amendment of enactments.
- 289GA Statutory maximum as penalty in respect of summary conviction for offences in subordinate instruments.
- 289GB Exceptionally high maximum fines.
- 289GC Fines under secondary subordinate instruments—Scotland.
- 289GD Fines on summary conviction for offences under subordinate instruments— conversion to references to levels on scale.
- 289H Schedule 7D.
- 290 When six months' imprisonment competent.

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- 291 Trial of certain offences.
- 292 Theft outside Scotland.
- 293 Instructions by Lord Advocate as to reporting offences.

*Procedure prior to trial*

- 294 Power of constable to take offenders into custody.
- 295 Interim liberation by officer in charge of police station.
- 296 Police liberation or detention of children arrested.
- 297 Committal of children to custody in place of safety.
- 298 All offences to be bailable.
- 299 Application for review of court's decision on bail and caution.
- 299A Application by prosecutor for review of court's decision to grant bail.
- 300 Appeal in respect of bail.
- 301, 302 .....
- 303 Caution and bail.
- 304 Power to order parents to give security for child's good behaviour.
- 305 Intimation to solicitor.
- 306 Separation of children from adults at courts, etc.
- 307 Attendance at court of parent of child charged with an offence, etc.
- 308 Notice to local authority of charge against a child.
- 309 Forms of procedure.
- 310 Incidental applications.
- 310A Abolition of private summary prosecutions.
- 311 Complaint.
- 312 Form of the charge in complaint.
- 313 Mode of charging certain offences committed against two or more children under 17.
- 314 Orders of court on complaint.
- 315 Citation.
- 316 Manner of citation.
- 317 Citation of probationer.
- 318 Citation of offender.
- 319 Citation by post.
- 320 Apprehension of witness.
- 321 Warrants of apprehension and search.
- 322 Warrants for arrest of escaped prisoners and mental patients.
- 323 Warrant to search for or remove a child.
- 324 Backing of certain warrants from the Isle of Man.
- 325 .....
- 326 Service of complaints, etc.
- 327 Sheriff's warrant may be executed out of district.
- 328 Adjournment for inquiry, etc.
- 329 Remand and committal of persons under 21.
- 330 Power of court to commit to hospital a person suffering from mental disorder.
- 331 Statutory offences time-limit.
- 331A Prevention of delay in trials.
- 331B Death, illness or absence of judge.
- 332 Power to recover penalties.
- 333 Offences by companies, etc.
- 333A Adjournment for inquiry at first calling.
- 333B Agreement of evidence.

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### *Trial Procedure*

- 334 Procedure at first diet, etc.
- 335 Amendment of complaint.
- 336 Plea of guilty.
- 337 Plea of not guilty.
- 337A Intermediate diet.
- 337B Removal of accused from court.
- 338 Failure of accused to appear.
- 338A Desertion of trial diet.
- 339 Alibi.
- 340 Examination of witness.
- 341 Witnesses not to be excluded by reason of conviction, interest, etc.
- 342 Witnesses admissible notwithstanding relationship to parties.
- 342A Power to permit witness to be in court during trial.
- 343 Presence in court not to disqualify witnesses in certain cases.
- 344 Punishment of witness for contempt.
- 345 Administration of oath to same witness in case at same diet.
- 345A No case to answer.
- 346 Accused and spouse competent witnesses for defence.
- 346A Evidence in relation to sexual offences.
- 346ZA Evidence of criminal record and character of accused.
- 346B Exceptions to prohibition.
- 347 Evidence of accused.
- 348 Spouse to be competent witness.
- 349 Witness may be examined etc., as to having previously made a different statement.
- 349A Recall of witnesses.
- 350 Additional evidence.
- 350A Evidence in replication.
- 351 Defence to speak last.
- 352 Record of proceedings at examination to be received in evidence without being sworn to by witnesses.
- 353 Proof of official documents.
- 354 Admissions by parties.
- 355 Judges equally divided.
- 356 Previous convictions.
- 357 Laying of previous convictions before court.
- 358 Proof of previous convictions by fingerprints.
- 359 Record.
- 360 Proceedings written or printed.

### *Interruption of proceedings*

- 360A Interruption of summary proceedings for verdict in earlier trial.

### *Procedure at trial involving children*

- 361 Child under 14 not to be in court during trial of another person.
- 362 Power to clear court while child is giving evidence in certain cases.
- 363 Power to proceed with case in absence of person under 17.
- 364 Power of court, in respect of certain offences against a child, to refer child to reporter.
- 365 .....

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- 366 Procedure when sheriff sits summarily in respect of offence by child.
- 367 Powers of sheriff sitting summarily.
- 368 Presumption and determination of age of child.
- 369 Age of criminal responsibility.
- 370 Child charged jointly with person who is not a child.
- 371 Welfare of child.
- 372 Reference and remit of children's cases by courts to children's hearings.
- 373 Reference and remit of cases of certain young persons by courts to children's hearings.
- 374 Restrictions on report of proceedings involving person under 16.

*Procedure at Trial of Persons suffering from Mental Disorder*

- 375 Insanity in bar of trial.
- 375ZA Examination of facts.
- 375ZB Examination of facts: supplementary provisions.
- 375ZC Disposal of case where accused found to be insane.
- 375ZD Appeal by accused in case involving insanity.
- 375ZE Appeal by prosecutor in case involving insanity.
- 375A Interim hospital orders.
- 376 Power of court to order hospital admission or guardianship.
- 377 Requirements as to medical evidence.
- 378 Supplementary provisions as to hospital orders.
- 379 Power of court to restrict discharge from hospital.

CONVICTION AND SENTENCE

*Adjournment and remand*

- 380 Power of court to adjourn case before sentence.
- 380A Offence committed by person under supervision etc.: provision of local authority report.
- 381 Remand for inquiry into physical or mental condition.

*Admonition and discharge*

- 382 Admonition.
- 383 Absolute discharge.

*Probation*

- 384 Probation.
- 385 Probation orders requiring treatment for mental condition.
- 386 Discharge and amendment of probation orders.
- 387 Failure to comply with requirement of probation order.
- 388 Commission of further offence.
- 389 Probation orders relating to persons residing in England.
- 390 Further provisions as to probation orders.
- 391 Supplementary provisions as to probation.
- 392 Effects of probation and absolute discharge.
- 393 Probation reports.

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### *Penalties for Statutory Offences*

394 Power to mitigate penalties.

#### *Fines*

- 395 Provisions as to fines.
- 395A Power to remit fines.
- 396 Time for payment.
- 397 Application for further time for payment of fine.
- 398 Restriction on imprisonment after fine or caution.
- 399 Payment by instalments.
- 400 Supervision pending payment of fine.
- 401 Supplementary provisions as to payment of fine.
- 402 Fines, etc., may be enforced in other district.
- 403 Transfer of fine orders.
- 404 Action of clerk of court on transfer of fine orders.
- 405 .....
- 406 Substitution of custody for imprisonment where a child defaults on fine.
- 407 Period of imprisonment for non-payment of fine.
- 408 Discharge from imprisonment to be specified.
- 409 Payment of fine in part by prisoner.
- 410 .....
- 411 Recovery by civil diligence.
- 412 Payment of fines to be made to clerk of court.

#### *Supervised attendance orders*

- 412A Supervised attendance orders in place of fines for 16 and 17 year olds.
- 412B Supervised attendance orders where court allows further time to pay fine.

#### *Residential and Borstal Training*

- 413 Detention of children.
- 414 .....
- 415 Detention of young offenders.
- 416 .....
- 417 .....
- 418 .....
- 419, 420 .....
- 421 Recall to young offenders institution on re-conviction.
- 422 .....
- 423 Return to prison in case of breach of supervision.
- 424 Detention in precincts of court.
- 425 No imprisonment for less than five days.
- 426 Legal custody.

#### *Miscellaneous provisions as to conviction, sentence, etc.*

- 427 Conviction of part only of charge.
- 428 Art and part guilt of statutory offence.
- 429 “Conviction” and “sentence” not to be used in relation to a child.
- 430 Forms of finding and sentence.
- 430A Sentence following guilty plea.

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- 431 Consideration of time spent in custody.
- 432 Deferred sentence.
- 433 Sentence in open court.
- 434 Further provision as to sentence.
- 435 Expenses.
- 436 Forfeiture of property.
- 436A Disqualification in Scotland where vehicle used to commit offence.
- 437 Warrant of search for forfeited articles.
- 438 Register of children found guilty of offences.
- 439 Correction of entries.
- 439A Amendment of records of conviction and sentence in summary proceedings.
- 440 Extract sufficient warrant for imprisonment.
- 441 Provision for court comprising more than one judge.

#### *Review*

- 442 Right of appeal.
- 442ZA Leave to appeal against conviction etc.
- 442A Method of appeal against conviction or conviction and sentence.
- 442B Method of appeal against sentence alone.
- 443 Appeals against hospital orders, etc.
- 443A Suspension of disqualification, forfeiture, etc.
- 444 Manner and time of appeal.
- 445 .....
- 446 Procedure where appellant in custody.
- 447 Draft stated case to be prepared.
- 448 Adjustment and signature of case.
- 449 Abandonment of appeal.
- 450 Record of procedure in appeal.
- 451 Computation of time.
- 451A Quorum of High Court in relation to appeals.
- 452 Hearing of appeal.
- 452A Disposal of stated case appeal.
- 452B Supplementary provisions where High Court authorises new prosecution.
- 453 Consent by prosecutor to set aside conviction.
- 453A Appeal by bill of suspension or advocacy on ground of miscarriage of justice.
- 453AA Leave to appeal against sentence.
- 453B Appeals against sentence only.
- 453C Disposal of appeal by note of appeal.
- 453D Disposal of appeal where appellant insane.
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- 454 Convictions not to be quashed on certain grounds.
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- 455A Sentencing guidelines.

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- 456 Actions of damages in respect of proceedings under this Part of this Act.
- 457 Acts of Adjournal.

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## PART III

### GENERAL

- 457ZA Acts of Adjournal.
- 457A Mode of trial of certain offences.
- 458 Construction of enactments referring to sentence of detention.
- 459 Construction of enactments referring to detention.
- 460 Transitional provisions and savings.
- 461 Consequential amendments, repeals and revocations.
- 462 Interpretation.
- 463 Extent.
- 464 Short title and commencement.

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### SCHEDULES

SCHEDULE 1 — Offences Against Children Under the Age of 17 Years to which Special Provisions Apply

.....

SCHEDULE 2 —

SCHEDULE 3 — Composition of Juries

*Summoning of Jurors.—Lists of Assize*

1 .....

*Jury of Men only, or of Women only*

2 .....

3 .....

4 .....

5 .....

*Summoning of Jurors.—Citation*

6 .....

*Selection of Jurors from the Panel*

7 .....

*Exemptions*

8 .....

9 .....

10 .....

SCHEDULE 4 —

SCHEDULE 5 — Discharge and Amendment of Probation Orders

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### *Discharge*

1 .....

### *Amendment*

2 .....

3 .....

4 .....

### *General*

5 .....

6 .....

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1 .....

### Part II — MAKING AND EFFECT OF ORDERS

#### *Circumstances in which orders may be made*

2 .....

#### *Making of orders and general requirements*

3 .....

#### *Obligatory requirements as to medical treatment*

4 .....

#### *Optional requirements as to residence*

5 .....

### Part III — REVOCATION AND AMENDMENT OF ORDERS

#### *Revocation of order in interests of health or welfare*

6 .....

#### *Amendment of order by reason of change of residence*

7 .....

#### *Amendment of requirements of order*

8 .....

#### *Amendment of requirements in pursuance of medical report*

9 .....

### *Supplemental*

10 .....

11 .....

12 .....



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SCHEDULE 6 — Fines on Indictment—Payment by Instalments

- 1 .....
- 2 .....
- 3 .....
- 4 .....

SCHEDULE 7 — Application of Sums Paid as Part of Fine Under Section 409 of this Act

SCHEDULE 7A — Offences Made Triable Only Summarily, and Related Amendments

SCHEDULE 7B — Alteration of Penalties on Summary Conviction of Certain Offences

- 1 .....
- 2 .....

SCHEDULE 7C — Increase of fines for certain summary offences

SCHEDULE 7D — Fines to be Altered other than in Accordance with Sections 289E and 289F

SCHEDULE 8 — Provisions of this Act referred to in section 460(8) of this Act

SCHEDULE 9 — Amendment of Other Enactments

*The Jurors (Scotland) Act 1825 (1825 c. 22)*

- 1 .....
- 2 .....
- 3 .....
- 4 .....

*The Criminal Law (Scotland) Act 1830 (1830 c. 37)*

- 5 .....
- 6 .....

*The Children and Young Persons (Scotland) Act 1937 (1937 c. 37.)*

- 7 .....
- 8 .....
- 9 .....
- 10 .....
- 11 .....
- 12 .....

*The Law Officers Act 1944 (1944 c. 25.)*

- 13 .....

*The Criminal Justice (Scotland) Act 1949 (1949 c. 94.)*

- 14 .....
- 15 .....

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16 .....  
17—29 .....

*The Criminal Justice Act 1961 (1961 c. 39.)*

30 In section 32(2), after paragraph (h) there shall be inserted...

*The Criminal Justice (Scotland) Act 1963 (1963 c. 39)*

31—35 .....  
36 .....  
37 .....  
38 .....  
39 .....  
40 .....  
41 .....

*The Social Work (Scotland) Act 1968 (1968 c. 49)*

42 .....  
43 .....  
44 .....

*The Children and Young Persons Act 1969 (1969 c. 54)*

45 In Schedule 5, in paragraph 53, for the words “The...  
46 In Schedule 5, in paragraph 78, for the words from...

*The Immigration Act 1971 (1971 c. 77)*

47 In section 6(2), for the words “section 26 of the...

*The Criminal Justice Act 1972 (1972 c. 71)*

48 In section 24, for subsection (4) there shall be substituted...  
49 In section 51(2), for the words “section 39(1) of the...

*The Powers of Criminal Courts Act 1973 (1973 c. 62)*

50 In section 10— (a) in subsection (3)(a), for the words...

*The Health and Safety at Work etc. Act 1974 (1974 c. 37)*

51 .....

Schedule 10 — Repeals and Revocations  
Part I — ENACTMENTS REPEALED  
Part II — ACTS OF ADJOURNAL REVOKED

**Status:**

Point in time view as at 01/04/1991.

**Changes to legislation:**

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