



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART I

CRIMINAL COURTS

JURISDICTION AND POWERS

The sheriff

4 Territorial jurisdiction of sheriff.

- (1) Subject to the provisions of this section, the jurisdiction of the sheriffs, within their respective sheriffdoms shall extend to and include all navigable rivers, ports, harbours, creeks, shores and anchoring grounds in or adjoining such sheriffdoms and includes all criminal maritime causes and proceedings (including those applying to persons furth of Scotland) provided that the accused is, by virtue of any enactment or rule of law, subject to the jurisdiction of the sheriff before whom the case or proceeding is raised.
- (2) Where an offence is alleged to have been committed in one district in a sheriffdom, it shall be competent to try that offence in a sheriff court in any other district in that sheriffdom.
- (3) It shall not be competent for the sheriff to try any crime committed on the seas which it would not be competent for him to try if the crime had been committed on land.
- (4) The sheriff shall have a concurrent jurisdiction with every other court of summary jurisdiction in relation to all offences competent for trial in such courts.

5 The sheriff: summary jurisdiction and powers.

- (1) The sheriff, sitting as a court of summary jurisdiction, shall continue to have all the jurisdiction and powers exercisable by him at the commencement of this Act.

Status: Point in time view as at 26/12/2023.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: The sheriff is up to date with all changes known to be in force on or before 11 September 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)

- (2) The sheriff shall, without prejudice to any other or wider powers conferred by statute, have power on convicting any person of a common law offence—
- (a) to impose a fine not exceeding the prescribed sum;
 - (b) to ordain the accused to find caution for good behaviour for any period not exceeding 12 months to an amount not exceeding the prescribed sum either in lieu of or in addition to a fine or in addition to imprisonment;
 - (c) failing payment of such fine, or on failure to find such caution, to award imprisonment in accordance with section 219 of this Act;
 - (d) to impose imprisonment, for any period not exceeding [^{F1}12] months.
- (3) ^{F2}.....
- (4) It shall be competent to prosecute summarily in the sheriff court the following offences—
- (a) uttering a forged document;
 - (b) wilful fire-raising;
 - (c) robbery; and
 - (d) assault with intent to rob.

Textual Amendments

F1 Word in s. 5(2)(d) substituted (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 43(a), 84; S.S.I. 2007/479, art. 3(1), Sch. (subject to art. 12)

F2 S. 5(3) repealed (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 43(b), 84; S.S.I. 2007/479, art. 3(1), Sch. (subject to art. 12)

Status:

Point in time view as at 26/12/2023.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Cross Heading: The sheriff is up to date with all changes known to be in force on or before 11 September 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.