



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART IX

#### SUMMARY PROCEEDINGS

##### *General*

VALID FROM 27/06/2003

#### **[<sup>F1</sup>137B Transfer of sheriff court summary proceedings outwith sheriffdom**

- (1) Where—
  - (a) an accused person has been cited to attend a diet of the sheriff court; or
  - (b) paragraph (a) does not apply but it is competent so to cite an accused person, and the prosecutor is informed by the sheriff clerk that, because of exceptional circumstances which could not reasonably have been foreseen, it is not practicable for that court or any other sheriff court in that sheriffdom to proceed with the case, the prosecutor—
    - (i) may, where paragraph (b) above applies, so cite the accused; and
    - (ii) shall, where paragraph (a) above applies or the accused is so cited by virtue of paragraph (i) above, as soon as practicable apply to the sheriff principal for an order for the transfer of the proceedings to a sheriff court in another sheriffdom and for adjournment to a diet of that court.
- (2) On an application under subsection (1) above the sheriff principal may make the order sought, provided that the sheriff principal of the other sheriffdom consents.
- (3) On the application of the prosecutor, a sheriff principal who has made an order under subsection (2) above may, if the sheriff principal of the other sheriffdom mentioned in that subsection consents—
  - (a) revoke; or
  - (b) vary so as to restrict the effect of,

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*Status: Point in time view as at 01/04/2002. This version of this provision is not valid for this point in time.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Criminal Procedure (Scotland) Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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that order.]

#### **Textual Amendments**

- F1** Ss. 137A, 137B inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) , **ss. 58(2)** , 89 ; [S.S.I. 2003/288](#) , **art. 2** , Sch.

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