



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

General

195 Remit to High Court for sentence

- (1) Where at any diet in proceedings on indictment in the sheriff court, sentence falls to be imposed but the sheriff holds that any competent sentence which he can impose is inadequate so that the question of sentence is appropriate for the High Court, he shall—
 - (a) endorse upon the record copy of the indictment a certificate of the plea or the verdict, as the case may be;
 - (b) by interlocutor written on the record copy remit the convicted person to the High Court for sentence; and
 - (c) append to the interlocutor a note of his reasons for the remit,and a remit under this section shall be sufficient warrant to bring the accused before the High Court for sentence and shall remain in force until the person is sentenced.
- (2) Where under any enactment an offence is punishable on conviction on indictment by imprisonment for a term exceeding three years but the enactment either expressly or impliedly restricts the power of the sheriff to impose a sentence of imprisonment for a term exceeding three years, it shall be competent for the sheriff to remit the accused to the High Court for sentence under subsection (1) above; and it shall be competent for the High Court to pass any sentence which it could have passed if the person had been convicted before it.
- (3) When the Clerk of Justiciary receives the record copy of the indictment he shall send a copy of the note of reasons to the convicted person or his solicitor and to the Crown Agent.

Status: This is the original version (as it was originally enacted).

- (4) Subject to subsection (3) above, the note of reasons shall be available only to the High Court and the parties.