

# Summary Jurisdiction (Scotland) Act 1954

# CHAPTER 48

# SUMMARY JURISDICTION (SCOTLAND) ACT 1954

#### Jurisdiction

- 1 Application of Act
- 2 Application of provisions of Criminal Procedure (Scotland) Act, 1887
- 3 Jurisdiction of inferior courts of summary jurisdiction
- 4 Certain crimes not to be tried in inferior courts of summary jurisdiction
- 5 Remit to higher court or other jurisdiction
- 6 Boundaries of jurisdiction
- 7 Summary powers of sheriff
- 8 In certain cases sentence of six months' imprisonment competent
- 9 Trial of certain offences

#### Procedure prior to Trial

- 10 Chief constable may, in certain cases, accept bail
- 11 Appeal to High Court against refusal of bail in summary cases
- 12 Intimation to solicitor
- 13 Forms of procedure
- 14 Incidental applications
- 15 Complaint
- 16 Form of the charge in complaint
- 17 Orders of court on complaint
- 18 Citation
- 19 Apprehension of witness
- 20 Warrants of apprehension and search
- 21 Adjournment for inquiry, etc.
- 22 Service of complaints, etc., in and outwith Scotland
- 23 Limitation of time for proceedings in statutory offences
- 24 Public prosecutor's power to recover penalties

25 Offences by companies, etc.

## Procedure at Trial

- 26 First diet, objections to complaint and pleas in absence of accused
- 27 Amendment of complaint
- 28 Plea of guilty
- 29 Plea of not guilty
- 30 Failure of accused to appear
- 31 Previous convictions
- 32 Alibi
- 33 Punishment of witnesses for contempt
- 34 Administration of oath to same witness in cases at same diet
- 35 Proof of official documents
- 36 Admissions by parties
- 37 Judges equally divided
- 38 Record
- 39 Proceedings written or printed

## Conviction and Sentence Fines

- 40 Power to mitigate penalties
- 41 Provisions as to fines
- 42 Time for payment of fine
- 43 Payment of fine by instalments
- 44 Transfer of jurisdiction as to person fined
- 45 Payment of fine in part by prisoner

## Imprisonment, etc.

- 46 Detention in precincts of court
- 47 Police custody in lieu of imprisonment
- 48 Imprisonment in default of payment of fine
- 49 Period of imprisonment for non-payment of fine
- 50 Recovery by civil diligence
- 51 Caution and bail
- 52 Payment of fines
- 53 Expenses
- 54 Forfeiture of implements
- 55 Admonition
- 56 Forms of finding and sentence
- 57 Further provision as to sentence
- 58 Correction of errors
- 59 Extract sufficient warrant for imprisonment
- 60 Provision for court comprising more than one judge
- 61 Conviction of part only of charge

## Review

- 62 Appeal by stated case
- 63 Manner and time of appeal
- 64 Caution by appellant
- 65 Procedure where appellant in custody
- 66 Draft stated case to be prepared
- 67 Adjustment, signature and transmission to High Court of case

- 68 Abandonment of appeal
- 69 Record of procedure in appeal
- 70 Computation of time
- 71 Hearing of appeal
- 72 Consent by prosecutor to setting aside conviction
- 73 Convictions not to be quashed on certain grounds
- 74 Other modes of appeal
- 75 Actions of damages in respect of proceedings under this Act
- 76 Acts of Adjournal making rules, etc.
- 77 Interpretation
- 78 Repeals and savings
- 79 Short title, commencement and extent

#### SCHEDULES

FIRST SCHEDULE — Provisions of Criminal Procedure (Scotland) Act, 1887, as Applied to Summary Procedure

SECOND — Forms of Procedure

SCHEDULE

- PART I INCIDENTAL APPLICATIONS
- PART II FORMS OF COMPLAINT AND CHARGES
- PART III FORMS OF NOTICES TO ACCUSED AS TO PENALTY FOR STATUTORY OFFENCE AND PREVIOUS CONVICTIONS
- PART IV WARRANTS OF CITATION, APPREHENSION, &C
- PART V MINUTES OF PROCEDURE, &C
- PART VI FORMS OF PROCEDURE IN APPEALS

THIRD SCHEDULE — Table of Fees

FOURTH SCHEDULE — Enactments Repealed