



Criminal Justice (Scotland) Act 1949

1949 CHAPTER 94

PART I

POWERS AND PROCEEDINGS OF COURTS

Miscellaneous provisions relating to jurisdiction, procedure, appeals, etc.

46 Previous convictions in summary proceedings

- (1) Section eighteen of and Schedule C to the Summary Jurisdiction (Scotland) Act, 1908, in so far as they require a statutory charge included in a summary complaint to specify the enactment fixing the penalty or to set forth the penalty, shall cease to have effect.
- (2) Section thirty-four of the said Act, in so far as it requires previous convictions to be set forth in a summary complaint, shall cease to have effect and no such previous conviction shall be laid before the judge in any proceedings on such complaint until the judge is satisfied that the charge is proved, and in that event the prosecutor shall lay before the judge a copy of any notice served on the accused in accordance with subsection (3) or subsection (4) of this section.
- (3) Where a summary complaint includes any statutory charge notice in the form as nearly as may be of Form No. 2 of the Seventh Schedule to this Act shall be served on the accused with the complaint where he is cited to a diet, and, where he is in custody, the complaint and such a notice shall be served on him before he is asked to plead.
- (4) Where the accused in any summary proceedings has been previously convicted of any offence forming an aggravation of any offence libelled in the complaint a notice in the form as nearly as may be of Form No. 3 or Form No. 4 of the Seventh Schedule to this Act shall be served on the accused with the complaint where he is cited to a diet, and, where he is in custody, the complaint and such a notice shall be served on him before he is asked to plead.
- (5) A copy of any notice served on an accused under this section shall be entered in the record or minutes of the proceedings.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (6) Nothing herein contained shall prevent evidence of previous convictions being led in any case where such evidence is competent in support of a substantive charge.