



# Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

## CRIMINAL PROCEEDINGS ETC. (REFORM) (SCOTLAND) ACT 2007

### PART 1

#### BAIL

- 1 Determination of questions of bail
- 2 Bail and bail conditions
- 3 Breach of bail conditions
- 4 Bail review and appeal
- 5 Attitude of prosecutor after conviction
- 6 Time for dealing with applications

### PART 2

#### PROCEEDINGS

##### *Police functions*

- 7 Liberation on undertaking

##### *Summary procedure*

- 8 Manner of citation
- 9 Procedure at first calling
- 10 Intimation of diets etc.
- 11 Pre-trial time limits
- 12 Disclosure of convictions
- 13 Complaints triable together
- 14 Proceedings in absence of accused
- 15 Failure of accused to appear
- 16 Obstructive witnesses
- 17 Prosecution of companies etc.

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### *Preparation for summary trial*

- 18 Intermediate diets
- 19 Notice of defences
- 20 Proof of uncontroversial matters
- 21 Service of documents through solicitor etc.

### *Transfer of summary cases*

- 22 Transfer of proceedings
- 23 Time bar for transferred and related cases

### *Other provisions*

- 24 Reports about supervised persons
- 25 Summary appeal time limit

### *Solemn cases*

- 26 Pre-trial time limits
- 27 Obstructive witnesses
- 28 Proceedings against bodies corporate
- 29 Jury citation
- 30 Duty to seek agreement of evidence
- 31 Petition proceedings outwith sheriffdom
- 32 Failure of accused to appear

### *Miscellaneous*

- 33 Apprehension warrants
- 34 Participation in identification procedures
- 35 Evidence on commission
- 36 Victim notification scheme
- 37 Recovery of documents
- 38 Intimation of certain applications to the High Court
- 39 Refixing diets
- 40 Power of court to excuse procedural irregularities

### *Electronic proceedings*

- 41 Electronic proceedings
- 42 Further provision for summary cases

## **PART 3**

### **PENALTIES**

### *Sentencing powers*

- 43 Common law offences
- 44 Particular statutory offences
- 45 Other statutory offences
- 46 JP court: power to increase penalties
- 47 Fine level
- 48 Prescribed sum
- 49 Compensation orders

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### *Penalties as alternative to prosecution*

- 50 Fixed penalty and compensation offers
- 51 Work orders
- 52 Setting aside of offers and orders
- 53 Disclosure of previous offers
- 54 Time bar where offer made

### *Enforcement of fines etc.*

- 55 Fines enforcement officers and their functions
- 56 Recognition of EU financial penalties

### *Breach of post-conviction orders*

- 57 Probation and community service orders
- 58 Restriction of liberty orders

## **PART 4**

### **JP COURTS AND JPS**

#### *Establishing JP courts etc.*

- 59 Establishing JP courts
- 60 Making provision for JP courts
- 61 Efficient disposal of business in JP courts
- 62 Area and territorial jurisdiction of JP courts
- 63 Constitution and powers etc. of JP courts
- 64 Abolition of district courts
- 65 Transfer of staff and property
- 66 Transitional arrangements for proceedings

#### *Appointment of JPs etc.*

- 67 Appointment of JPs
- 68 Conditions of office
- 69 Training and appraisal of JPs
- 70 Reappointment of JPs
- 71 Removal of JPs
- 71A Re-employment of former JPs
- 71B Re-employment of former JPs: further provision
- 72 Disqualification of solicitors who are JPs
- 73 Disqualification where sequestration or bankruptcy
- 74 Appointment of stipendiary magistrates
- 74A Exercise of functions by stipendiary magistrates
- 75 Stipendiary magistrates: further provision
- 76 Signing functions
- 77 Records and validity of appointment etc.

## **PART 5**

### **INSPECTION OF THE CROWN OFFICE AND PROCURATOR FISCAL SERVICE**

- 78 Appointment of Inspector
- 79 The Inspector's functions

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## PART 6

### GENERAL

- 80 Modification of enactments
- 81 Orders
- 82 Ancillary provision
- 83 Interpretation
- 84 Commencement and short title

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#### SCHEDULE — Modification of enactments

##### *Sheriff Courts and Legal Officers (Scotland) Act 1927 (c. 35)*

- 1 In section 5 (whole-time clerks) of the Sheriff Courts and...

##### *Public Records (Scotland) Act 1937 (c. 43)*

- 2 (1) After section 2 (sheriff court records) of the Public...

##### *Social Work (Scotland) Act 1968 (c. 49)*

- 3 In section 27 (supervision and care of persons put on...

##### *Education (Scotland) Act 1980 (c. 44)*

- 4 In the Education (Scotland) Act 1980— (a) in section 36(1)(a)...

##### *Legal Aid (Scotland) Act 1986 (c. 47)*

- 5 In the Legal Aid (Scotland) Act 1986—

##### *Criminal Justice Act 1988 (c. 33)*

- 6 (1) In section 133 (compensation for miscarriages of justice) of...

##### *Road Traffic Offenders Act 1988 (c. 53)*

- 7 In the Road Traffic Offenders Act 1988—

##### *Environmental Protection Act 1990 (c. 43)*

- 8 In the Environmental Protection Act 1990— (a) in section 33A(12)...

##### *The 1995 Act*

- 9 (1) In section 6 (district courts: area, constitution and prosecutor)...
- 10 In section 10 (crimes committed in different districts) of the...
- 11 After section 10 of the 1995 Act there is inserted—...
- 12 (1) In section 65 (prevention of delay in trials) of...
- 13 (1) In section 72F(1) and (4)(b) (engagement, dismissal and withdrawal)...
- 14 In section 79 (preliminary pleas and preliminary issues) of the...
- 15 (1) In section 90A(10)(apprehension of witnesses in proceedings on indictment)...
- 16 (1) In section 107 (leave to appeal) of the 1995...

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- 17 In section 135 (warrants for apprehension and search) of the...
- 18 (1) In section 177(3)(procedure where appellant in custody) of the...
- 19 In section 210A(10) (extended sentences for sex and violent offenders)...
- 20 (1) In section 211 (fines) of the 1995 Act—
- 21 In section 245J(5)(breach of certain orders: adjourning hearing and remanding...
- 22 In section 249 (compensation order against convicted person) of the...
- 23 In section 283 (evidence as to time and place of...
- 24 In section 292 (mode of trial of certain offences) of...
- 25 In section 307 (interpretation) of the 1995 Act, in subsection...
- 26 In the 1995 Act (in addition to the provisions amended...

*Bail, Judicial Appointments etc. (Scotland) Act 2000 (asp 9)*

- 27 In the Bail, Judicial Appointments etc. (Scotland) Act 2000—

*Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 (asp 9)*

- 28 In section 6 (accused to give notice of defence of...

*Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)*

- 29 In schedule 2 (the specified authorities) to the Public Appointments...

*Criminal Justice (Scotland) Act 2003 (asp 7)*

- 30 In the Criminal Justice (Scotland) Act 2003—

*Dog Fouling (Scotland) Act 2003 (asp 12)*

- 31 In section 9(3) of the Dog Fouling (Scotland) Act 2003,...

*Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)*

- 32 In the Antisocial Behaviour etc. (Scotland) Act 2004—

*Enactments generally: references to district court and justices*

- 33 (1) Any reference in any enactment (apart from this Act)...

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**Changes and effects yet to be applied to :**

- s. 42 repealed by [2016 asp 1 s. 111\(3\)](#)
- specified provision(s) Appointed Day(s) by [S.S.I. 2009/116 art. 3Sch.](#) (Effect not applied to legislation.gov.uk. Order revoked (10.6.2009) by S.S.I. 2009/238, art. 1(2))