



# 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.

*Status: This is the original version (as it was originally enacted).*

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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**

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

*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 Administration of 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
- 72 Disqualification of solicitors who are JPs
- 73 Disqualification where sequestration or bankruptcy
- 74 Appointment of 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

**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

- 1 Sheriff Courts and Legal Officers (Scotland) Act 1927 (c. 35)
- 2 Public Records (Scotland) Act 1937 (c. 43)
- 3 Social Work (Scotland) Act 1968 (c. 49)
- 4 Education (Scotland) Act 1980 (c. 44)
- 5 Legal Aid (Scotland) Act 1986 (c. 47)
- 6 Criminal Justice Act 1988 (c. 33)
- 7 Road Traffic Offenders Act 1988 (c. 53)
- 8 Environmental Protection Act 1990 (c. 43)
- 9 The 1995 Act
- 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...
- 16 (1) In section 107 (leave to appeal) of the 1995...
- 17 In section 135 (warrants for apprehension and search) of the...
- 18 (1) In section 177(3) (procedure where appellant in custody) of...
- 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...
- 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...
- 27 Bail, Judicial Appointments etc. (Scotland) Act 2000 (asp 9)
- 28 Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 (asp 9)
- 29 Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)
- 30 Criminal Justice (Scotland) Act 2003 (asp 7)
- 31 Dog Fouling (Scotland) Act 2003 (asp 12)
- 32 Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)
- 33 Enactments generally: references to district court and justices