

2020 No. 93

HIGH COURT OF JUSTICIARY

SHERIFF COURT

JUSTICE OF THE PEACE COURT

**Act of Adjournal (Criminal Procedure (Scotland) Act 1995
Amendment) (Miscellaneous) 2020**

Made - - - - at 2.35 p.m. on 24th March 2020

Laid before the Scottish Parliament at 4.00 p.m. on 24th March 2020

Coming into force - - 25th March 2020

The High Court of Justiciary makes this Act of Adjournal under the powers conferred by section 305 of the Criminal Procedure (Scotland) Act 1995^(a) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure (Scotland) Act 1995 Amendment) (Miscellaneous) 2020.

(2) It comes into force on 25th March 2020.

(3) A certified copy is to be inserted in the Books of Adjournal.

Amendment of the Criminal Procedure (Scotland) Act 1995

2.—(1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

(2) In section 75C (refixing diets: non-suitable days)^(b)—

(a) subsection (2) is repealed;

(b) in subsection (3), for “subsections (1) and (2)” substitute “subsection (1)”.

(3) After section 83 (transfer of sheriff court solemn proceedings)^(c) insert—

^(a) 1995 c.46. Section 305 was amended by section 111(1) of the Criminal Procedure (Scotland) Act 2016 (asp 1) and by S.S.I. 2015/338, and was extended by section 386(a) of the Proceeds of Crime Act 2002 (c.29), section 36A(4) of the Serious Crime Act 2007 (c.27), and section 32(5) of the Psychoactive Act 2016 (c.2).

^(b) Section 75C was inserted by S.S.I. 2011/430.

^(c) Section 83 was last amended by the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5).

“Transfer of sheriff court solemn proceedings within sheriffdom: power of sheriff principal

83ZA. Where, because of exceptional circumstances which could not reasonably have been foreseen, it is not practicable for a sheriff court in a sheriffdom to proceed with some or all of the proceedings on indictment due to call at a diet, the sheriff principal may, of the sheriff principal’s own accord, make an order for—

- (a) the transfer of the proceedings to a sheriff court in any other district in that sheriffdom; and
- (b) adjournment to a diet of that court.”.

(4) After section 137A (transfer of sheriff court summary proceedings within sheriffdom)(a) insert—

“Transfer of sheriff court summary proceedings within sheriffdom: power of sheriff principal

137AA. Where, because of exceptional circumstances which could not reasonably have been foreseen, it is not practicable for a sheriff court in a sheriffdom to proceed with some or all of the summary cases due to call at a diet, the sheriff principal may, of the sheriff principal’s own accord, make an order for—

- (a) the transfer of the proceedings to a sheriff court in any other district in that sheriffdom; and
- (b) adjournment to a diet of that court.”.

(5) Subsection (2) of section 137ZB (refixing diets: non-suitable days) (b) is repealed.

CJM SUTHERLAND
Lord Justice General
I.P.D.

Edinburgh
At 2.35 p.m. on 24th March 2020

(a) Section 137A was inserted by Criminal Justice (Scotland) Act 2003 (asp 7) and amended by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6).
(b) Section 137ZB was inserted by S.S.I. 2011/430.

EXPLANATORY NOTE

(This note is not part of the Act of Adjournal)

This Act of Adjournal amends the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) to permit the more efficient administration of court business and to allow, in exceptional circumstances, for reallocation by a sheriff principal of proceedings within a sheriffdom.

Paragraph 2(2) amends section 75C of the 1995 Act (refixing diets: non-suitable days) to permit the court to re-fix unsuitable diets in solemn proceedings administratively.

Paragraph 2(5) makes a similar amendment to section 137ZB in respect of summary proceedings.

Paragraph 2(3) inserts a new section 83ZA (transfer of sheriff court solemn proceedings within sheriffdom: power of sheriff principal) into the 1995 Act to permit a sheriff principal, in exceptional circumstances, to transfer solemn proceedings to another sheriff court within the sheriffdom.

Paragraph 2(4) inserts a new section 137AA (transfer of sheriff court summary proceedings within sheriffdom: power of sheriff principal) in respect of summary proceedings.

© Crown copyright 2020

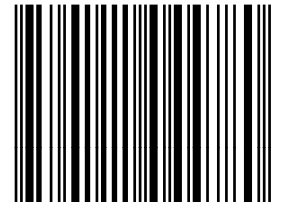
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the Queen’s Printer for Scotland.

£4.90

S202003241014 03/2020 19585

<http://www.legislation.gov.uk/id/ssi/2020/93>

ISBN 978-0-11-104478-0



9 780111 044780