



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PART II

SUMMARY PROCEDURE

F1 Jurisdiction

Textual Amendments

F1 Act repealed (S.) (1.4.1996) by [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995](#) (c. 40), s. 6(1), [Sch. 5](#) (with ss. 4, 6(2), [Sch. 3](#) paras. 3, 16, [Sch. 6](#))

^{F1}283 Application of Part II of this Act.

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^{F1}283A Offences which are to become triable only summarily.

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^{F1}284 Jurisdiction of inferior courts.

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^{F1}285 Certain crimes not to be tried in inferior courts.

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^{F1}286 Remit to higher court or other jurisdiction.

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Status: This version of this part contains provisions that are prospective.

Changes to legislation: Criminal Procedure (Scotland) Act 1975, Part II is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F1 287 Boundaries of jurisdiction.

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F1 288 Jurisdiction of sheriff.

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F1 289 Summary powers of sheriff.

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F1 289A Amendments relating to penalties (and mode of trial) for offences made triable only summarily.

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F1 289B Penalties on summary conviction for offences triable either summarily or on indictment.

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F1 289C Increase of fines for certain summary offences.

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F1 289D Power to alter sums specified in certain provisions.

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F1 289E Penalties for first and subsequent convictions of summary offences to be the same.

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Modifications etc. (not altering text)
C1 S. 289E amended by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 56(2), [Sch. 8 para. 16](#)

F1 289F Increase of fines for certain summary offences.

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F1 289G The standard scale: amendment of enactments.

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F1 289G Statutory maximum as penalty in respect of summary conviction for offences in subordinate instruments.

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^{F1}289G Exceptionally high maximum fines.

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^{F1}289G Fines under secondary subordinate instruments—Scotland.

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^{F1}289G Fines on summary conviction for offences under subordinate instruments—conversion to references to levels on scale.

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^{F1}290 When six months’ imprisonment competent.

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^{F1}291 Trial of certain offences.

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^{F1}292 Theft outside Scotland.

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^{F1}293 Instructions by Lord Advocate as to reporting offences.

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^{F1} Procedure prior to trial

^{F1}294 Power of constable to take offenders into custody.

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^{F1}295 Interim liberation by officer in charge of police station.

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^{F1}296 Police liberation or detention of children arrested.

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^{F1}297 Committal of children to custody in place of safety.

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F1298 All offences to be bailable.

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F1299 Application for review of court’s decision on bail and caution.

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F1299A Application by prosecutor for review of court’s decision to grant bail.

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F1303 Caution and bail.

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F1304 Power to order parents to give security for child’s good behaviour.

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F1306 Separation of children from adults at courts, etc.

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F1307 Attendance at court of parent of child charged with an offence, etc.

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F1308 Notice to local authority of charge against a child.

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F1309 Forms of procedure.

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F1310 Incidental applications.

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^{F1}310A Abolition of private summary prosecutions.

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^{F1}311 Complaint.

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^{F1}312 Form of the charge in complaint.

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^{F1}314 Orders of court on complaint.

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^{F1}315 Citation.

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^{F1}316 Manner of citation.

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^{F1}317 Citation of probationer.

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^{F1}318 Citation of offender.

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^{F1}319 Citation by post.

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^{F1}320 Apprehension of witness.

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^{F1}321 Warrants of apprehension and search.

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^{F1}322 Warrants for arrest of escaped prisoners and mental patients.

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Status: This version of this part contains provisions that are prospective.

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^{F1}323 Warrant to search for or remove a child.

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[^{F1}324 Backing of certain warrants from the Isle of Man.

- (1) A warrant issued in the Isle of Man for the arrest of a person charged with an offence may, after it has been endorsed by a justice in Scotland, be executed there by the person bringing that warrant, by any person to whom the warrant was originally directed or by any officer of law of the sheriff court district where the warrant has been endorsed as aforesaid in like manner as any such warrant issued in Scotland.
- (2) In this section “endorsed” means endorsed in the like manner as a process to which section 4 of the Summary Jurisdiction (Process) Act 1881 applies.]

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^{F1}326 Service of complaints, etc.

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^{F1}327 Warrants granted by justice may be executed throughout Scotland.

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327 Sheriff’s warrant may be executed out of district.

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^{F1}328 Adjournment for inquiry, etc.

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^{F1}329 Remand and committal of persons under 21.

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^{F1}330 Power of court to commit to hospital a person suffering from mental disorder.

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^{F1}331 Statutory offences time-limit.

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^{F1}331A Prevention of delay in trials.

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^{F1}331B Death, illness or absence of judge.

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^{F1}332 Power to recover penalties.

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^{F1}333 Offences by companies, etc.

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^{F1}333A Adjournment for inquiry at first calling.

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^{F1}333B Agreement of evidence.

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^{F1}Trial Procedure

^{F1}334 Procedure at first diet, etc.

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^{F1}335 Amendment of complaint.

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^{F1}336

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^{F1}337 Plea of not guilty.

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^{F1}337A Intermediate diet.

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^{F1}337B Removal of accused from court.

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^{F1}338 Failure of accused to appear.

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^{F1}338A Desertion of trial diet.

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^{F1}339 Alibi.

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^{F1}340 Examination of witness.

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^{F1}341 Witnesses not to be excluded by reason of conviction, interest, etc.

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^{F1}342 Witnesses admissible notwithstanding relationship to parties.

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^{F1}342A Power to permit witness to be in court during trial.

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^{F1}343 Presence in court not to disqualify witnesses in certain cases.

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^{F1}344 Punishment of witness for contempt.

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^{F1}345

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^{F1}345A No case to answer.

.....

^{F1}346 Accused and spouse competent witnesses for defence.

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^{F1}346A Evidence in relation to sexual offences.

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^{F1}346ZAEvidence of criminal record and character of accused.

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F1346B Exceptions to prohibition.

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F1347 Evidence of the accused.

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F1348 Spouse to be competent witness.

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F1349 Witness may be examined etc., as to having previously made a different statement.

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F1349A Recall of witnesses.

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F1350 Additional evidence.

.....

F1350A Evidence in replication.

.....

F1351 Defence to speak last.

.....

F1352 Record of proceedings at examination to be received in evidence without being sworn to by witnesses.

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F1353 Proof of official documents.

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F1354 Admissions by parties.

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F1355 Judges equally divided.

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^{F1}356 Previous convictions.

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^{F1}357 Laying of previous convictions before court.

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^{F1}358 Proof of previous convictions by fingerprints.

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^{F1}359 Record.

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^{F1}360

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Interruption of proceedings

^{F1}360A Interruption of summary proceedings for verdict in earlier trial.

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Textual Amendments

F1 Act repealed (S.) (1.4.1996) by [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995](#) (c. 40), s. 6(1), [Sch. 5](#) (with ss. 4, 6(2), [Sch. 3](#) paras. 3, 16, [Sch. 6](#))

^{F1}Procedure at trial involving children

^{F1}361 Child under 14 not to be in court during trial of another person.

.....

^{F1}362 Power to clear court while child is giving evidence in certain cases.

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^{F1}363 Power to proceed with case in absence of person under 17.

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^{F1}364 Power of court, in respect of certain offences against a child, to refer child to Principal Reporter.

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^{F1}365

^{F1}366 Procedure when sheriff sits summarily in respect of offence by child.
.....

^{F1}367 Powers of sheriff sitting summarily.
.....

^{F1}368 Presumption and determination of age of child.
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^{F1}369 Age of criminal responsibility.
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[^{F1}370 Child charged jointly with person who is not a child.

When a child has been charged with an offence jointly with a person who is not a child the provisions of sections 366 [^{F2}and 367] of this Act shall not apply to summary proceedings before the sheriff in respect of the charges.]

Textual Amendments

F2 Words substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 7 para. 58**

^{F1}371 Welfare of child.
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^{F1}372 Reference and remit of children’s cases by courts to children’s hearings.
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^{F1}373 Reference and remit of cases of certain young persons by courts to children’s hearings.
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[^{F1}[^{F3}374] Restrictions on report of proceedings involving person under 16.

- (1) No newspaper report of any proceedings in a court shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any person under the age of 16 years concerned in the proceedings, either—
- (a) as being a person against or in respect of whom the proceedings are taken; or
 - (b) as being a witness therein;

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nor shall any picture which is, or includes, a picture of a person under the age of 16 years so concerned in the proceedings be published in any newspaper in a context relevant to the proceedings:

Provided that, in any case—

- (i) where the person is concerned in the proceedings as a witness only and no one against whom the proceedings are taken is under the age of 16 years, the foregoing provisions of this subsection shall not apply unless the court so directs;
- (ii) the court may at any stage of the proceedings if satisfied that it is in the public interest so to do, direct that the requirements of this section (including such requirements as applied by a direction under paragraph (i) above) shall be dispensed with to such extent as the court may specify;
- (iii) the Secretary of State may, after completion of the proceedings, if so satisfied by order dispense with the said requirements to such extent as may be specified in the order.

(2) This section shall, with the necessary modifications, apply in relation to sound and television [F4programmes included in a programme service (within the meaning of the Broadcasting Act 1990)] as it applies in relation to newspapers.

(3) A person who publishes matter in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F5level 4 on the standard scale.]

(4) In this section, references to a court shall not include a court in England, Wales or Northern Ireland.]]

Textual Amendments	
F3	S. 374 substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), s. 22, Sch. 6 para. 2
F4	Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), Sch. 20 para. 21
F5	Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G and (N.I.) 1984/703, (N.I. 13), art. 5

F1Procedure at Trial of Persons suffering from Mental Disorder

F1375 Insanity in bar of trial.

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F1375ZA Examination of facts.

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F1375ZB Examination of facts: supplementary provisions.

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F1375ZC Disposal of case where accused found to be insane.

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^{F1}375ZDAppeal by accused in case involving insanity.

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^{F1}375ZEAppeal by prosecutor in case involving insanity.

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^{F1}375A Interim hospital orders.

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^{F1}376 Power of court to order hospital admission or guardianship.

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^{F1}377 Requirements as to medical evidence.

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^{F1}378 Supplementary provisions as to hospital orders.

.....

^{F1}379 Power of court to restrict discharge from hospital.

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^{F1} CONVICTION AND SENTENCE

^{F1} Adjournment and remand

^{F1}380 Power of court to adjourn case before sentence.

.....

^{F1}380A Offence committed by person under supervision etc.: provision of local authority report.

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^{F1}381 Remand for inquiry into physical or mental condition.

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Admonition and discharge

^{F1}382 Admonition.

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^{F1}383 Absolute discharge.

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^{F1} Probation

^{F1}384 Probation.

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^{F1}385 Probation orders requiring treatment for mental condition.

.....

^{F1}386 Discharge and amendment of probation orders.

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^{F1}387 Failure to comply with requirement of probation order.

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^{F1}388 Commission of further offence.

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^{F1}389 Probation orders relating to persons residing in England.

- (1) Where the court by which a probation order is made under section 384 of this Act [^{F6}(not being a probation order including a requirement [^{F7}which, while corresponding to a requirement mentioned in paragraph 2 or 3 of Schedule 1A to the Powers of Criminal Courts Act 1973, would if included in a probation order made under that Act fail to accord with a restriction as to days of presentation, participation or attendance mentioned in paragraph 2(4)(a) or (6)(a), or as the case may be 3(3)(a), of that Schedule])] is satisfied that the offender has attained the age of [^{F8}16] years and resides or will reside in England, subsection (2) of the said section shall not apply to the order, but the order shall contain a requirement that he be under the supervision of a probation officer appointed for or assigned to the petty sessions area in which the offender resides or will reside; ^{F9} that area shall be named in the order [^{F10}; and where the order includes a requirement that the probationer perform unpaid work for a number of hours, the number specified shall not exceed one hundred.].
- (2) Where a probation order has been made under section 384 of this Act and the court in Scotland by which the order was made or the appropriate court is satisfied ^{F11}[(a) that the probationer has attained the age of 16 years;

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- (b) that he proposes to reside, or is residing, in England; and
- (c) that suitable arrangements for his supervision can be made by the probation committee for the area which contains the petty sessions area in which he resides or will reside]

, the power of that court to amend the order under Schedule 5 to this Act shall include power to insert the provisions required by subsection (1) of this section [^{F12}or to vary any requirement for performance of unpaid work so that such hours as remain to be worked do not exceed one hundred]; and the court may so amend the order without summoning the probationer and without his consent.

- (3) A probation order made or amended by virtue of this section may, notwithstanding section 385(8) of this Act, include a requirement that the probationer shall submit to treatment for his mental condition, and—
 - (a) subsections (1), (3) and (7) of the said section 385 and [^{F13}paragraph 5(3) of Schedule 1A to] the ^{M1}Powers of Criminal Courts Act 1973 (all of which regulate the making of probation orders which include any such requirement) shall apply to the making of an order which includes any such requirement by virtue of this subsection as they apply to the making of an order which includes any such requirement by virtue of section 385 of this Act and [^{F13}paragraph 5 of Schedule 1A to] the said Act of 1973 respectively; and
 - (b) [^{F14}sub-paragraphs (5) to (7) of paragraph 5 of Schedule 1A to] the said Act of 1973 (functions of supervising officer and medical practitioner where such a requirement has been imposed) shall apply in relation to a probationer who is undergoing treatment in England in pursuance of a requirement imposed by virtue of this subsection as they apply in relation to a probationer undergoing such treatment in pursuance of a requirement imposed by virtue of that section.
- (4) Sections 386(1) and 387(1) of this Act shall not apply to any order made or amended under this section; but subject as hereinafter provided the provisions of [^{F15}Schedule 2 to the Criminal Justice Act 1991 shall apply to the order—
 - (a) except in the case mentioned in paragraph (b) below, as if that order were a probation order made under section 2 of the Powers of Criminal Courts Act 1973; and
 - (b) in the case of an order which contains a requirement such as is mentioned in subsection (5A) of section 183 or 384 of this Act, as if it were a combination order made under section 11 of the said Act of 1991:

Provided that Part III of that Schedule shall not so apply; and sub-paragraphs (3) and (4) of paragraph 3 of that Schedule shall so apply as if for the first reference in the said sub-paragraph (3) to the Crown Court there were substituted a reference to a court in Scotland and for the other references in those sub-paragraphs to the Crown Court there were substituted references to the court in Scotland.]

- (5) If it appears on information to a justice acting for the petty sessions area [^{F16}named in a probation order made or amended under this section that the person to whom the order relates] has been convicted by a court in any part of Great Britain of an offence committed during the period specified in the order, he may issue a summons requiring that person to appear, at the place and time specified therein, before the court in Scotland by which the probation order was made or, if the information is in writing and on oath, may issue a warrant for his arrest, directing that person to be brought before the last-mentioned court.

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- (6) If a warrant for the arrest of a probationer issued under section 388 of this Act by a court is executed in England, and the probationer cannot forthwith be brought before that court, the warrant shall have effect as if it directed him to be brought before a magistrates’ court for the place where he is arrested; and the magistrates’ court shall commit him to custody or release him on bail (with or without sureties) until he can be brought or appear before the court in Scotland.
- (7) The court by which a probation order is made or amended in accordance with the provisions of this section shall send three copies of the order to the clerk to the justices for the petty sessions area named therein, together with such documents and information relating to the case as it considers likely to be of assistance to the court acting for that petty sessions area.
- (8) Where a probation order which is amended under subsection (2) of this section is an order to which the provisions of this Act apply by virtue of section 10 of the ^{M1}Powers of Criminal Courts Act 1973 (which relates to probation orders under that Act relating to persons residing in Scotland) then, notwithstanding anything in that section or this section, the order shall, as from the date of the amendment, have effect in all respects as if it were an order made under section 2 of that Act in the case of a person residing in England.]

Textual Amendments

- F6** Words inserted by Community Service by *Offenders (Scotland) Act 1978 (c. 49, SIF 39:1)*, **Sch. 2 para. 3**
- F7** Words in s. 389(1) substituted (1.10.1992) by *Criminal Justice Act 1991 (c. 53)*, s. 16, **Sch. 3, Pt. II, para. 7(3)(a)(i)** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- F8** Word in s. 389(1) substituted (1.10.1992) by *Criminal Justice Act 1991 (c. 53)*, s. 16, **Sch. 3, Pt. II, para. 7(3)(a)(ii)** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- F9** Word in s. 389(1) ceased to have effect (1.10.1992) by virtue of *Criminal Justice Act 1991 (c. 53)*, s. 16, Sch. 3, Pt. II, para. 7(3)(a)(iii) (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- F10** Words at the end of s. 389(1) added (1.10.1992) by *Criminal Justice Act 1991 (c. 53)*, s. 16, **Sch. 3, Pt. II, para. 7(3)(a)(iv)** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- F11** S. 389(2)(a)(b)(c) substituted (1.10.1992) for certain words by *Criminal Justice Act 1991 (c. 53)*, s. 16, **Sch. 3, Pt. II, para. 7(3)(b)(i)** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- F12** Words in s. 389(2) inserted (1.10.1992) by *Criminal Justice Act 1991 (c. 53)*, s. 16, **Sch. 3, Pt. II, para. 7(3)(b)(ii)** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- F13** Words in s. 389(3) substituted (1.10.1992) by *Criminal Justice Act 1991 (c. 53)*, s. 16, **Sch. 3, Pt. II, para. 7(3)(c)(i)** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- F14** Words in s. 389(3) substituted (1.10.1992) by *Criminal Justice Act 1991 (c. 53)*, s. 16, **Sch. 3, Pt. II, para. 7(3)(c)(ii)** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- F15** S. 389(4)(a)(b) and words substituted (1.10.1992) for certain words by *Criminal Justice Act 1991 (c. 53)*, s. 16, **Sch. 3, Pt. II, para. 7(3)(d)** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.
- F16** Words in s. 389(5) substituted (1.10.1992) by *Criminal Justice Act 1991 (c. 53)*, s. 16, **Sch. 3, Pt. II, para. 7(3)(e)** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

- M1** 1973 c. 62(39:1).

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F1391

F1392 **Effects of probation and absolute discharge.**
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F1393 **Probation reports.**
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F1 Penalties for Statutory Offences

F1394 **Power to mitigate penalties.**
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Fines

F1395 **Provisions as to fines.**
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F1395A **Power to remit fines.**
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F1396 **Time for payment.**
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F1397 **Application for further time for payment of fine.**
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F1398 **Restriction on imprisonment after fine or caution.**
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F1399 **Payment by instalments.**
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^{F1}401 Supplementary provisions as to payment of fine.

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^{F1}402 Fines, etc., may be enforced in other district.

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^{F1}403 Transfer of fine orders.

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^{F1}404 Action of clerk of court on transfer of fine orders.

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^{F1}406 Substitution of custody for imprisonment where a child defaults on fine.

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^{F1}407 Period of imprisonment for non-payment of fine.

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^{F1}408 Discharge from imprisonment to be specified.

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^{F1}409 Payment of fine in part by prisoner.

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^{F1}411 Recovery by civil diligence.

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^{F1}412 Payment of fines to be made to clerk of court.

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^{F1}Supervised attendance orders

^{F1}412A Supervised attendance orders in place of fines for 16 and 17 year olds.

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^{F1}412B Supervised attendance orders where court allows further time to pay fine.

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^{F1} Residential and Borstal Training

^{F1}^{F17}41B Detention of children.

- (1) Where a child appears before the sheriff in summary proceedings and pleads guilty to, or is found guilty of, an offence to which this section applies, the sheriff may order that he be detained in residential care by the appropriate local authority [^{F18}for such period not exceeding one year as may be specified in the order]. . . in such place (in any part of the United Kingdom) as the local authority may, from time to time, consider appropriate ^{F19} . . .
 - (2) This section applies to any offence in respect of which it is competent to impose imprisonment on a person of the age of 21 years or more.
 - (3) In this section—
 - “the appropriate local authority” means—
 - (a) where the child usually resides in Scotland, the regional or islands council for the area in which he usually resides;
 - (b) in any other case, the regional or islands council for the area in which the offence was committed;“care” shall be construed in accordance with section 32(3) of the 1968 Act, and the provisions of that Act specified in section 44(5) of that Act shall apply in respect of a child who is detained in residential care in pursuance of this section as they apply in respect of a child who is subject to a supervision requirement;
“the 1968 Act” means the ^{M2}Social Work (Scotland) Act 1968.
- (4) Where a child in respect of whom an order is made under this section is also subject to a supervision requirement within the meaning of the 1968 Act, subject to subsection (6) below, the supervision requirement shall be of no effect during any period for which he is required to be detained under the order.
- (5) The Secretary of State may, by regulations made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, make such provision as he considers necessary as regards the detention in secure accommodation (within the meaning of the 1968 Act) of children in respect of whom orders have been made under this section.
- ^{F20} [Where a child is detained in residential care in pursuance of an order under—
 - (6) (a) subsection (1) above, he shall be released from such detention not later than the date by which half the period specified in the order has (following commencement of the detention) elapsed but, without prejudice

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to subsection (6A) below, until the entire such period has so elapsed may be required by the local authority to submit to supervision in accordance with such conditions as they consider appropriate;

- (b) subsection (1) above or (6B) below, the local authority may at any time review his case and may, in consequence of such review and after having regard to the best interests of the child and the need to protect members of the public, release the child—
 - (i) for such period and on such conditions as the local authority consider appropriate; or
 - (ii) unconditionally.

(6A) Where a child released under paragraph (a) or (b)(ii) of subsection (6) above is subject to a supervision requirement within the meaning of the 1968 Act, the effect of that requirement shall commence, or as the case may be resume, upon such release.

(6B) If, while released under paragraph (a) or (b) of subsection (6) above (and before the date on which the entire period mentioned in the said paragraph (a) has, following commencement of the detention, elapsed), a child commits an offence to which this section applies and (whether before or after that date) pleads guilty to or is found guilty of it a court may, instead of or in addition to making any other order in respect of that plea or finding, order that he be returned to the residential care of the authority which released him and that his detention in their care shall continue for the whole or any part of the period which—

- (a) begins with the date of the order for his return; and
- (b) is equal in length to the period between the date on which the new offence was committed and the date on which that entire period elapses.

(6C) An order under subsection (6B) above for return to residential care—

- (a) shall be taken to be an order for detention in residential care for the purposes of this Act and of any appeal; and
- (b) shall, as the court making that order may direct, either be for a period of residential care before and to be followed by, or to be concurrent with, any period of residential care to be imposed in respect of the new offence (being in either case disregarded in determining the appropriate length of the period so imposed).]

(7) Where a local authority consider it appropriate that a child in respect of whom an order has been made under subsection (1) [F21(or (6B))]above should be detained in a place in any part of the United Kingdom outside Scotland, the order shall be a like authority as in Scotland to the person in charge of the place to restrict the child's liberty to such an extent as that person may consider appropriate having regard to the terms of the order.]]

Textual Amendments

F17 S. 413 substituted by Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), ss. 47(4)(a), 59(1)

F18 Words in s. 413(1) inserted (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 117, Sch. 6 Pt. I para. 141(a); S.I. 1996/517, arts. 3-6, Sch.

F19 Words in s. 413(1) repealed (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by 1995 c. 20, s. 117, Sch. 6 Pt. I para. 141(b), Sch. 7 Pt. I; S.I. 1996/517, arts. 3-6, Sch.

F20 S. 413(6)(6A)-(6C) substituted (1.10.1993) for s. 413(6) by 1993 c. 9, ss. 5, 6, 8, 10 (with ss. 5(1), 6(1), 10, 27, 47(2), Sch. 6 paras. 1, 2, 6, 7); S.I. 1993/2050, art. 3(4)

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F21 Words in s. 413(7) inserted (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 1(32)(b)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **arts. 3(4), 4(1)(c)**

Marginal Citations

M2 1968 c.49 (81:3).

F1 414

F1 415 **Detention of young offenders.**

F1 416

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F1 424 **Detention in precincts of court.**

F1 425 **No imprisonment for less than five days.**

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^{F1}426 Legal custody.

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^{F1} Miscellaneous provisions as to conviction, sentence, etc.

^{F1}427 Conviction of part only of charge.

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^{F1}428 Art and part guilt of statutory offence.

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PROSPECTIVE

^{F1}429 “Conviction” and “sentence” not to be used in relation to a child.

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^{F1}430 Forms of finding and sentence.

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^{F1}430A Sentence following guilty plea.

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^{F1}431 Consideration of time spent in custody.

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^{F1}432 Deferred sentence.

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^{F1}433 Sentence in open court.

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^{F1}434 Further provision as to sentence.

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^{F1}435

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^{F1}436

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^{F1}436A **Disqualification in Scotland where vehicle used to commit offence.**

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^{F1}437 **Warrant of search for forfeited articles.**

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^{F1}438 **Register of children found guilty of offences.**

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^{F1}439 **Correction of entries.**

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^{F1}439A **Amendment of records of conviction and sentence in summary proceedings.**

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^{F1}440 **Extract sufficient warrant for imprisonment.**

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^{F1}441 **Provision for court comprising more than one judge.**

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^{F1} *Review*

^{F1}442 **Right of appeal.**

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^{F1}442ZA **Leave to appeal against conviction etc.**

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^{F1}442A **Method of appeal against conviction or conviction and sentence.**

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^{F1}442B **Method of appeal against sentence alone.**

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^{F1}443 Appeals against hospital orders, etc.
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^{F1}443A Suspension of disqualification, forfeiture, etc.
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^{F1}444 Manner and time of appeal.
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^{F1}445
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446 Procedure where appellant in custody.
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^{F1}447 Draft stated case to be prepared.
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^{F1}448 Adjustment and signature of case.
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^{F1}449 Abandonment of appeal.
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^{F1}450 Record of procedure in appeal.
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^{F1}451 Computation of time.
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^{F1}451A Quorum of High Court in relation to appeals.
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^{F1}452 Hearing of appeal.
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^{F1}452A Disposal of stated case appeal.
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^{F1}452B Supplementary provisions where High Court authorises new prosecution.

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^{F1}453 Prosecutor’s consent to or application for setting aside of conviction.

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^{F1}453A Appeal by bill of suspension or advocation on ground of miscarriage of justice.

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^{F1}453AA Leave to appeal against sentence.

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^{F1}453B Appeals against sentence only.

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^{F1}453C Disposal of appeal by note of appeal.

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^{F1}453D Disposal of appeal where appellant insane.

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^{F1}453E Failure of appellant who has been granted bail to appear personally.

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^{F1}454 Convictions not to be quashed on certain grounds.

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^{F1}455 Other modes of appeal.

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^{F1}455A Sentencing guidelines.

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^{F1} Miscellaneous

^{F1}456 Actions of damages in respect of proceedings under this Part of this Act.

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Status:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act certain function transferred. by [1994 c. 39 s. 127\(1\)128](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 168(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(6\)\(b\)](#)
- s. 364(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(14\)\(b\)](#)
- s. 413(3) (defn. of "the appropriate local authority") para. (a)(b) amended by [1994 c. 39 Sch. 13 para. 97\(5\)](#)
- s. 413(3) (defns. of "care" and "the 1968 Act") repealed (prosp.) by [1995 c. 36 s. 105\(4\)\(5\)Sch. 4 para. 24\(17\)\(b\)\(i\)Sch. 5](#)
- s. 462 (defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement") amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(18\)](#)
- s. 462 (defns. of "crime" and "prosecutor") applied (prosp.) by [1995 c. 36 s. 53\(7\)](#)