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In all cases, an individual may only be detained if there are reasonable grounds for suspecting that they have committed or are committing an offence punishable by imprisonment (section 14(1) of the Criminal Procedure (Scotland)

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Act 1995). Following  
detention you need  
only tell police your  
name, address and  
date of birth.

Criminal Procedure  
(Scotland) Act 1995 -  
legislation

Legal changes in  
response to the Cadder  
case include those  
made by the Criminal  
Procedure (Legal  
Assistance, Detention  
and Appeals)  
(Scotland) Act 2010.

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The relevant Bill was introduced on 27 October 2010 and, following an agreement of the whole Parliament to treat the Bill as an Emergency Bill, was passed on the same day.

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[scotcourts.gov.uk](http://scotcourts.gov.uk)  
Scotland has a distinctive tradition of criminal law and procedure. The High Court of Justiciary,

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sitting as an Appeal Court, is the final court of appeal in Scottish criminal cases and its decisions are not subject to review by any court whatsoever  
6. .

The Scottish Criminal Justice System: the Criminal Courts  
CRIMINAL PROCEDURE IN SCOTLAND  
When a case is called for trial in either court the accused may pre-sent,

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for the purpose of  
securing an  
adjournment,  
objections in respect of  
the misnomer or  
misdescription of any  
person named in the  
indictment or of any  
witness in the list of  
witnesses, provided he  
has given

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Scotland  
criminal procedure, of  
which independence  
the people of that



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country are very proud. Though the Scottish law in, civil cases, particularly the mercantile law, has by statute and decision been brought nearer to the English law, yet there is to-day no appreciable similarity between the two systems of criminal procedure.

Scottish Criminal Cases  
and the UK Supreme  
Court - The ...  
*Page 9/25*

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39) 6. Offences under

section 12(1) of the

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having property etc. in  
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Scottish Criminal Law -  
The Complete Legal  
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The Children's  
(Scotland) Act 1995  
says where an  
application is made to  
a sheriff to establish  
grounds of referral to a  
children's hearing [ 32  
] that the child has  
committed a criminal  
offence then the  
standard of proof

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Scottish Cases  
required in criminal  
cases shall be required.

Materials Cases  
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Scottish Criminal and  
Civil Cases

Part VI of the Criminal  
Procedure (Scotland)  
Act 1995 (CPSA)  
includes a complex  
series of options for  
courts who are dealing  
with accused or  
convicted persons who  
have a significant  
mental illness or  
learning disability.

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## Procedure In Scotland Cases

In a solemn case, the court can sentence an accused person up to 5 years in prison or impose a fine of any amount. In a summary case, the court can sentence an accused person up to 12 months in prison or a maximum fine of £10,000. Examples of criminal cases the sheriff court can deal with are: theft. assault.

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possession of drugs.

Not proven - Wikipedia

This second edition covers the full range of criminal procedure - pre-trial, at trial and thereafter both in solemn and summary cases. It contains a thoroughly-researched selection of case extracts supplemented by important materials from institutional authorities and other works.

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Criminal Procedure  
(Scotland) Act 1995

Where will the case be heard? There are three courts which can hear criminal cases in Scotland. The High Court hears the most serious cases including all cases of rape and murder. There are no limits on the length of prison sentences, or the amount of any fine the High Court may impose. The Sheriff

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Criminal procedure (ie the procedure for the investigation and prosecution of crime) is mainly regulated by the Criminal Procedure (Scotland) Act 1995 and is divided into solemn and summary procedures. Solemn procedure involves the



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most serious of

criminal cases and may

ultimately lead to a

trial

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have the capacity to

amend primary

legislation where it

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deals with civil or criminal procedure respectively. The majority of criminal and civil justice in Scotland is handled by the local sheriff courts, which are arranged into six sheriffdoms led by a sheriff principal.

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An Act to consolidate  
certain enactments  
relating to criminal

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## Scotland Cases

What happens at a  
Scottish criminal court  
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Scots criminal law  
relies far more heavily  
on common law than in  
England and Wales.

Scottish criminal law  
includes offences  
against the person of  
murder, culpable  
homicide, rape and  
assault, offences  
against property such  
as theft and malicious

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mischief, and public order offences including mobbing and breach of the peace. Scottish criminal law can also be found in the statutes of the UK Parliament with some areas of criminal law, such as misuse of drugs and traffic offences appearing identical o

Courts of Scotland -  
Wikipedia

In recent years,

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reforms to criminal procedure have been suggested on both sides of the Atlantic and in other adversarial systems, but before deciding that there is something wrong or some room for improvement , we first need to be clear about what it is that our system of criminal procedure is trying to achieve.

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The Criminal Procedure (Scotland) Act 1995 is the main piece of legislation that covers criminal procedure in Scotland, although depending on the type of case, there are other acts that may apply. The Criminal Procedure Rules 1996 are the criminal court rules that apply.

Attending a Criminal  
Court

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In Scotland, a criminal case may be decided either in solemn procedure by a jury (instructed by the judge), or in summary procedure by the judge alone (with no jury appointed). There are various rules for when the one or the other procedure may or must be employed; in general, juries are employed for the more severe accusations, while petty crimes and



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offences are treated  
summarily.

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