



SHERIFFDOM OF LOTHIAN AND BORDERS
SHERIFF COURT AND JUSTICE OF THE PEACE COURT
TRANSFER OF CRIMINAL PROCEEDINGS WITHIN
THE SHERIFFDOM OF LOTHIAN AND BORDERS

I, Sheriff Principal Mhairi M Stephen QC, Sheriff Principal of Lothian and Borders, under the powers conferred on me by sections 83ZA and 137AA of the Criminal Procedure (Scotland) Act 1995 make the following arrangements:

General

1. The Order dated 26 March 2020 ("the order") transferring all criminal proceedings from Livingston, Jedburgh and Selkirk Sheriff and Justice of the Peace Courts to Edinburgh Sheriff and Justice of the Peace Court is rescinded with the exception of the following categories of cases (i) those proceedings involving a first appearance from custody by persons who prior to 26 March 2020 would have appeared in Jedburgh and Selkirk Sheriff and Justice of the Peace Courts (ii) summary proceedings where the accused is in custody and a diet has been fixed at Edinburgh and (iii) proceedings on indictment where the accused is in custody and the diet has been adjourned in terms of section 75A or 75C of the Criminal Procedure (Scotland) Act 1995 ("the 1995 Act") to a date at Edinburgh Sheriff Court. These cases will continue to call in Edinburgh until further notice however in respect of cases falling into category (iii) this order is subject to 75A(5) of the 1995 Act and the right of any or all parties to apply to the court to discharge and re-fix diets. Any further diets will be fixed at the local court. Any hearing in terms of s 75A may proceed in the absence of the accused and the accused's appearance at any adjourned hearing shall be by video link.

Solemn Proceedings

2. Proceedings on indictment transferred to Edinburgh Sheriff Court from Livingston, Jedburgh and Selkirk by virtue of the order will now be adjourned to a diet at the local court on the same date as has been currently assigned at Edinburgh Sheriff Court or to such other date as may be fixed by the court in terms of Section 75C or as the case may be Section 75A of the Criminal Procedure (Scotland) Act 1995.

Summary Proceedings

3. Proceedings on summary complaint transferred to Edinburgh Sheriff and Justice of the Peace Court from Livingston, Jedburgh and Selkirk Sheriff and Justice of the Peace Court as provided for in the order will be adjourned to a diet at the local court on the same date as currently assigned at Edinburgh Sheriff Court or to such other date as may be fixed by the court in terms of Section 137ZB of the Criminal Procedure (Scotland) Act 1995.

Intimation where diet currently assigned is unsuitable

4. Where it is necessary to fix another date, as the diet currently assigned in Edinburgh under the transfer arrangements is unsuitable to the local court, the sheriff clerk will intimate to the solicitor for the accused or as the case may be to the accused any other date fixed by the court in the exercise of its powers in terms of Sections 75C and 137ZB of the Criminal Procedure (Scotland) Act 1995.

Miscellaneous

5. In this order "local court" means the court in which the indictment or summary complaint would have proceeded but for the order dated 26 March 2020.

(signed) *Mhairi M Stephen*

Sheriff Principal Mhairi M Stephen QC
Sheriff Principal of Lothian and Borders

Edinburgh, 12 June 2020