CHAPTER 48.

An Act to extend the Jurisdiction of Stipendiary Magistrates in Scotland. [6th August 1897.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Stipendiary Magistrates Jurisdiction (Scotland) Act, 1897, and shall be deemed to be included in the expression "the Summary Jurisdiction (Scotland) Acts."

Interpretation of "summary jurisdiction." 27 & 28 Vict. c. 53.

2. In this Act and for the purposes thereof, the expression "summary jurisdiction" means jurisdiction in the proceedings so far as the same are of a criminal nature enumerated and described in the third section of the Summary Procedure Act, 1864, and in all proceedings of a like nature which by any Act of Parliament are directed or authorised to be taken summarily or under the provisions of the aforesaid Summary Jurisdiction (Scotland) Acts.

Extension of jurisdiction of stipendiary magistrates.

3. Every stipendiary magistrate in Scotland shall, within the limits of the city, burgh, place, or district, for which he has been or shall be appointed, have and possess, in addition to the jurisdiction conferred upon him by any Act now in force, the summary jurisdiction at present exercised by, or which may hereafter be conferred upon, any sheriff or any justice of the peace or two justices of the peace in Scotland, together with all the powers auxiliary to or connected with such summary jurisdiction.

Officers of court and application of penalties.

4. The clerk of court, procurator fiscal, and other officers of or acting in any court in which a stipendiary magistrate may sit as judge, and any constable, shall possess the same powers, and perform the same duties, in reference to the jurisdiction conferred by this Act as are respectively possessed or performed by them with reference to the ordinary jurisdiction of such court, or as by law and practice are respectively possessed and performed by officers of the sheriff court, or other court of summary jurisdiction in Scotland, and all penalties imposed by a stipendiary magistrate under the jurisdiction conferred upon him by this Act may be recovered and applied in the same manner as such penalties are by law presently applied.

Remits from police courts.

5. Any magistrate presiding in a police court may remit for trial to a stipendiary magistrate possessing jurisdiction any person brought before him charged with a crime or offence; but nothing herein contained shall affect the right and duty of the stipendiary magistrate or magistrate sitting in the police court to remit for trial to a higher court any person charged with a crime or offence of a serious nature.

Reservation of rights of appeal.

6. Nothing contained in this Act shall limit or affect any right of appeal or review, and where proceedings are taken before a stipendiary magistrate, in lieu of justices of the peace, the right of appeal, if any, to quarter sessions is hereby reserved.