Criminal Procedure (Amendment) (Scotland) Act 2004

2004 asp 5

PART 1

PROCEEDINGS IN THE HIGH COURT

Preliminary hearings

3   Appeals

(1) Section 74 (appeals in connection with preliminary diets) of the 1995 Act is amended in accordance with this section.

(2) In subsection (1), for the word "diet" where it secondly occurs, substitute " hearing ".

(3) In subsection (2)—

 (a)   in paragraph (a)—

   (i) after the word "first" insert " diet ",

   (ii) for the word "diet" where it first occurs, substitute " hearing ",

 (b)   in paragraph (aa), in sub-paragraph (ii), for the words "diet, section 73(3A)" substitute " hearing, section 72(6)(e) ",

 (c)   after paragraph (aa) insert—

   "(ab)   may not be taken against a decision at a preliminary hearing, in appointing a trial diet, to appoint or not to appoint it as a floating diet for the purposes of section 83A(2) of this Act;".

(4) In subsection (3), for the words "the trial diet" substitute " any trial diet that has been appointed ".

(5) After that subsection insert—

 "(3A) Where an appeal is taken under subsection (1) above against a decision at a preliminary hearing, the High Court may adjourn, or further adjourn, the preliminary hearing for such period as appears to it to be appropriate and

may, if it thinks fit, direct that such period (or some part of it) shall not count towards any time limit applying in respect of the case.".

(6) In subsection (4)(b), after "fix" insert—

"(i) where the indictment is in respect of the High Court, a further preliminary hearing; or

(ii) where the indictment is in respect of the sheriff court,".

Commencement Information

I1   S. 3 in force at 1.2.2005 by S.S.I. 2004/405, art. 2(1), **sch. 1** (with arts. 3-5)

Changes to legislation:
There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Section 3.