



Criminal Procedure (Amendment) (Scotland) Act 2004

2004 asp 5

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 28th April 2004 and received Royal Assent on 4th June 2004

An Act of the Scottish Parliament to make provision, in connection with proceedings in the High Court of Justiciary, for the holding of preliminary hearings prior to the trial diet; to make new provision as to the continuation of the trial diet in proceedings in the High Court; to amend the time limit for commencement of the trial in proceedings in the High Court; in connection with solemn criminal proceedings generally, to amend the consequences of failure to comply with time limits, to make further provision as to citation of the accused, witnesses and jurors, to require any solicitor engaged by the accused to notify the court and the prosecutor of his engagement, withdrawal and dismissal, to make new provision as to the procedure where the trial diet does not proceed, to enable the trial to be conducted in the absence of the accused in certain circumstances, to provide for the apprehension, detention and release on bail of obstructive witnesses, to enable notices and other documents to be served on the accused through his solicitor, to restate with modifications certain provisions in relation to the raising of preliminary pleas and issues and to make new provision as to the adjournment and alteration of diets; to enable persons to be released on bail subject to a requirement that their compliance with conditions of bail restricting their movements be remotely monitored; to make provision entitling the prosecutor to be heard on certain applications relating to bail; to make further provision as to the matters to be dealt with by the sheriff court at a first diet in solemn proceedings; to make new provision as to the procedure to be followed by the court in sentencing offenders who have pled guilty; to increase from three to five years the maximum extended sentence that may be imposed by a sheriff on persons convicted on indictment of certain violent and sexual offences; to make new provision as to the citation of witnesses for precognition by the prosecutor; to clarify when criminal proceedings are finally determined for the purposes of section 10 of the Protection of Children (Scotland) Act 2003 ([asp 5](#)); and for connected purposes.