
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 430

Act of Adjournal (Amendment of the Criminal Procedure (Scotland) Act 1995) (Refixing diets) 2011

Amendment of the Criminal Procedure (Scotland) Act 1995: refixing diets

2.—(1) The Criminal Procedure (Scotland) Act 1995 is amended in accordance with subparagraphs (2) to (5).

(2) After section 75B (refixing diets)(1) insert—

“75C Refixing diets: non-suitable days

(1) Where in any proceedings on indictment any diet has been fixed for a day which is no longer suitable to the court, it may, of its own accord, at any time before that diet—

- (a) discharge the diet; and
- (b) fix a new diet for a date earlier or later than that for which the discharged diet was fixed.

(2) Before proceeding as mentioned in subsection (1) the court shall give the parties an opportunity to be heard.

(3) In subsections (1) and (2), “the court” means—

- (a) in the case of proceedings in the High Court, a single judge of that Court;
- (b) in the case of proceedings in the sheriff court, that court.”.

(3) The title of section 75B becomes “**Refixing diets: non-sitting days**”.

(4) After section 137ZA (refixing diets)(2) insert—

“137ZB Refixing diets: non-suitable days

(1) Where in a summary prosecution any diet has been fixed for a day which is no longer suitable to the court it may, of its own accord, at any time before that diet—

- (a) discharge the diet; and
- (b) fix a new diet for a date earlier or later than that for which the discharged diet was fixed.

(2) Before proceeding as mentioned in subsection (1) the court shall give the parties an opportunity to be heard.”.

(5) The title of section 137ZA becomes “**Refixing diets: non-sitting days**”.

(1) Section 75B was inserted by section 39 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6).

(2) Section 137ZA was inserted by section 39 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6).