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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 430**

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

**Citation, commencement etc.**

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Amendment of the Criminal Procedure (Scotland) Act 1995) (Refixing diets) 2011.

(2) It comes into force on 30th January 2012.

(3) A certified copy of this Act of Adjournal is to be inserted in the Books of Adjournal.

**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.

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(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).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(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**”.

Edinburgh  
6th December 2011

*A.C. HAMILTON*  
Lord Justice General  
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