



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VII

SOLEMN PROCEEDINGS

Notice by accused

[^{F1}79A Objections to admissibility of evidence raised after first diet or preliminary hearing

- (1) This section applies where a party seeks to raise an objection to the admissibility of any evidence after—
 - (a) in proceedings in the High Court, the preliminary hearing; or
 - (b) in proceedings on indictment in the sheriff court, the first diet.
- (2) The court shall not, under section 79(1) of this Act, grant leave for the objection to be raised if the party seeking to raise it has not given written notice of his intention to do so to the other parties.
- (3) However, the court may, where the party seeks to raise the objection after the commencement of the trial, dispense with the requirement under subsection (2) above for written notice to be given.
- (4) Where the party seeks to raise the objection after the commencement of the trial, the court shall not, under section 79(1) of this Act, grant leave for the objection to be raised unless it considers that it could not reasonably have been raised before that time.
- (5) Where the party seeks to raise the objection before the commencement of the trial and the court, under section 79(1), grants leave for it to be raised, the court shall—
 - (a) if it considers it appropriate to do so, appoint a diet to be held before the commencement of the trial for the purpose of disposing of the objection; or
 - (b) dispose of the objection at the trial diet.
- (6) In appointing a diet under subsection (5)(a) above, the court may postpone the trial diet for such period as appears to it to be appropriate and may, if it thinks fit, direct

Status: Point in time view as at 10/03/2008.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 79A is up to date with all changes known to be in force on or before 11 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

that such period (or some part of it) shall not count towards any time limit applying in respect of the case.

- (7) The accused shall appear at any diet appointed under subsection (5)(a) above.
- (8) For the purposes of this section, the trial shall be taken to commence when the jury is sworn.]

Textual Amendments

- F1** S. 79A inserted (1.2.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), **ss. 14(2), 27(1)**; S.S.I. 2004/405, **art. 2**, Sch. 1

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