

STATUTORY INSTRUMENTS

1979 No. 232 (S. 23)

HIGH COURT OF JUSTICIARY, SCOTLAND
SHERIFF COURT, SCOTLAND

Act of Adjournal (Suspension of Sittings etc.) 1979

Made - - - - 20th February 1979

Coming into Operation 21st February 1979

The Lord Justice General, the Lord Justice Clerk and Lords Commissioners of Justiciary, by virtue of the powers conferred upon them by section 282 and section 457 of the Criminal Procedure (Scotland) Act 1975(a), and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Suspension of Sittings etc.) 1979 and shall come into operation on 21st February 1979.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

Suspension of Circuits and Sittings

2.—(1) Where the Lord Justice General is satisfied that by reason of industrial action or proposed industrial action it is not reasonably practicable for any Circuit or sitting of the Court to take place, or in the case of a Circuit or sitting already commenced, to continue, he may direct that any such Circuit or sitting shall not take place or, as the case may be, shall not continue for such period (including a period of one day only) as may be specified in the direction.

(2) A direction made under sub-paragraph (1) may apply to such Circuit or sitting, or such classes of Circuit or sitting, as may be specified in the direction.

(3) Such a direction shall be intimated on the walls of any Court in which any Circuit or sitting so specified is to take place, or is to continue, as the case may be, and may be advertised in such newspapers or journals as the direction may specify.

(4) Any such direction may be varied or revoked by a subsequent direction made by the Lord Justice General or, with his concurrence, by a sheriff principal in respect of his sheriffdom; and sub-paragraphs (2) and (3) shall apply to any such subsequent direction.

(5) In this paragraph “sitting” includes the calling of any diet in any case, and any sitting of any Court (whether in open Court or in Chambers) for the purpose of dealing with any matter in any criminal proceedings.

Savings

3.—(1) Nothing in this Act of Adjournal shall derogate from the powers of any judge or jury, or any officer of the Court.

(2) Subject to sub-paragraph (1), no enactment or rule of law relating to procedure which applies to any criminal proceedings to which a direction under paragraph 2 applies shall have effect in respect of any day or period during which any such proceedings do not take place, or continue, by virtue of such a direction.

(3) No period specified in a direction under paragraph 2 shall be taken into account for the purposes of any enactment or rule of law relating to procedure, and such purposes include the requiring of anything to be done within a specified period of time.

(4) Where any order (including interlocutory orders) of a Court requires anything to be done or states that something is to happen on a day when a Circuit or a sitting is not taking place or is not continuing by virtue of a direction made under this Act of Adjournal, that order shall to that extent have no effect; and that thing shall be done or shall happen, on such day as the Court, on an application in that behalf, may order.

(5) Subject to the provisions of this Act of Adjournal, the failure of any criminal proceedings to take place or continue by virtue of a direction made under paragraph 2, shall not affect the rights of any party to those proceedings under the law.

Edinburgh
20th February 1979

G. C. Emslie,
I.P.D.

EXPLANATORY NOTE

(This Note is not part of the Act of Adjournal.)

This Act of Adjournal makes provision for the interruption of criminal proceedings in the event of industrial action.

SI 1979/232
ISBN 0-11-093232-3



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