

*These notes relate to the Criminal Procedure (Amendment) (Scotland)  
Act 2002 (asp 4) which received Royal Assent on 8 March 2002*

# **CRIMINAL PROCEDURE (AMENDMENT) (SCOTLAND) ACT 2002**

---

## **EXPLANATORY NOTES**

### **THE ACT**

3. An intermediate diet is a hearing set by a court, in summary criminal proceedings, for the purpose of ascertaining, so far as is reasonably practicable, whether the case is likely to proceed to trial on the date assigned as a trial diet. If an accused does not appear as required for an intermediate diet, the court may grant a warrant for his or her arrest. In the case of *Reynolds v Procurator Fiscal Linlithgow*, the Appeal Court held that where such a warrant was issued, it did not, by implication, discharge the trial diet. If this was not done explicitly and the case was not called on the day for the trial diet, the instance would fall. It would not then be competent for the court to hear further proceedings in relation to the complaint in question.
4. The Act provides that the issue of a warrant following the failure of an accused to appear at an intermediate diet will automatically discharge the trial diet, unless otherwise ordered by the court. The Act is retrospective in effect.