



# Criminal Justice (Scotland) Act 2003

## 2003 asp 7

### PART 8

#### EVIDENTIAL, JURISDICTIONAL AND PROCEDURAL MATTERS

##### *Procedural matters*

#### **63 Adjourment at first diet in summary proceedings**

- (1) The 1995 Act is amended as follows.
- (2) In section 144 (procedure at first diet), in subsection (9) after “145” there is inserted “or 145A”.
- (3) In section 145 (adjourment for inquiry at first calling), in subsection (1) for the words from the beginning to “Act,” there is substituted “Where the accused is present”.
- (4) After section 145 there is inserted—

##### **“145A Adjourment at first calling to allow accused to appear etc.**

- (1) Without prejudice to section 150(1) to (7) of this Act, where the accused is not present at the first calling of the case in a summary prosecution, the court may (whether or not the prosecutor is able to provide evidence that the accused has been duly cited) adjourn the case under this section for such period as it considers appropriate; and subject to subsections (2) and (3) below, the court may from time to time so adjourn the case.
- (2) An adjourment under this section shall be—
  - (a) for the purposes of allowing—
    - (i) the accused to appear in answer to the complaint; or
    - (ii) time for inquiry into the case; or
  - (b) for any other cause the court considers reasonable.
- (3) No one period of adjourment under this section shall exceed 28 days.”