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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Paragraph 2. (See end of Document for details)

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SCHEDULE  
FURTHER MODIFICATIONS OF THE 1995 ACT

- 2 In section 2 (fixing of High Court sittings)—
- (a) in subsection (3)—
    - (i) for the words “attend a” substitute “, or otherwise required to attend, a diet to be held at any ”,
    - (ii) for “his trial” substitute “ the diet or, in the case of a trial diet, the trial ”,
    - (iii) for “another sitting of the High Court” substitute “ a diet to be held at a sitting of the Court in another place ”,
  - (b) after subsection (3) insert—

“(3C) The judge may proceed under subsection (3) above on a joint application of the parties without hearing the parties and, accordingly, he may dispense with any hearing previously appointed for the purpose of considering the application.”,
  - (c) in subsection (4), for “cases have been indicted for” substitute “ diets have been appointed to be held at ”,
  - (d) in subsection (5), for “any case remains indicted for” substitute “ in any case a diet remains appointed to be held at ”,
  - (e) after that subsection insert—

“(6) For the purposes of subsection (3) above—

    - (a) a diet shall be taken to commence when it is called; and
    - (b) a trial shall be taken to commence when the oath is administered to the jury.”.

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**Commencement Information**

**II** Sch. para. 2 in force at 1.2.2005 by S.S.I. 2004/405, art. 2(1), **sch. 1** (with arts. 3-5)

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