



# Criminal Procedure (Amendment) (Scotland) Act 2004

2004 asp 5

## PART 1

### PROCEEDINGS IN THE HIGH COURT

#### *Continuation of trial diet*

#### **5 Continuation of trial diet**

After section 83 (transfer of sheriff court solemn proceedings) of the 1995 Act insert—

#### *“Continuation of trial diet in the High Court*

#### **83A Continuation of trial diet in the High Court**

- (1) Where, in any case which is to be tried in the High Court, the trial diet does not commence on the day appointed for the holding of the diet, the indictment shall fall.
- (2) However, where, in appointing a day for the holding of the trial diet, the Court has indicated that the diet is to be a floating diet, the diet and, if it is adjourned, the adjourned diet may, without having been commenced, be continued from sitting day to sitting day—
  - (a) by minute, in such form as may be prescribed by Act of Adjournal, signed by the Clerk of Justiciary; and
  - (b) up to such maximum number of sitting days after the day originally appointed for the trial diet as may be so prescribed.
- (3) If such a trial diet or adjourned diet is not commenced by the end of the last sitting day to which it may be continued by virtue of subsection (2)(b) above, the indictment shall fall.
- (4) For the purposes of this section, a trial diet or adjourned trial diet shall be taken to commence when it is called.

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Section 5. (See end of Document for details)

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(5) In this section, “sitting day” means any day on which the court is sitting, but does not include any Saturday or Sunday or any day which is a court holiday.”.

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**Commencement Information**

**I1** S. 5 in force at 1.2.2005 by [S.S.I. 2004/405](#), art. 2(1), [sch. 1](#) (with arts. 3-5)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Section 5.