



# Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

## PART 2

### PROCEEDINGS

#### *Summary procedure*

#### **15 Failure of accused to appear**

In section 150 (failure of accused to appear) of the 1995 Act—

- (a) in subsection (8), in paragraph (b)(ii), for the word “3” there is substituted “12”,
- (b) in subsection (9), for the words “The penalties provided for in subsection (8) above may” there is substituted “A penalty under subsection (8) above shall”,
- (c) after subsection (9) there is inserted—

“(9A) The reference in subsection (9) above to a penalty being imposed in addition to another penalty means, in the case of sentences of imprisonment or detention—

- (a) where the sentences are imposed at the same time (whether or not in relation to the same complaint), framing the sentences so that they have effect consecutively;
- (b) where the sentences are imposed at different times, framing the sentence imposed later so that (if the earlier sentence has not been served) the later sentence has effect consecutive to the earlier sentence.

(9B) Subsection (9A)(b) above is subject to section 204A of this Act.

(9C) In any proceedings in relation to an offence under subsection (8) above, the fact that (as the case may be) an accused—

- (a) failed to appear at a diet; or
- (b) was given due notice of a diet,

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*Status: This is the original version (as it was originally enacted).*

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shall, unless challenged by preliminary objection before his plea is recorded, be held as admitted.”.