



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

2007 asp 6

PART 2

PROCEEDINGS

Preparation for summary trial

20 Proof of uncontroversial matters

(1) In section 257 (duty to seek agreement of evidence) of the 1995 Act, after subsection (4) there is added—

“(5) Without prejudice to subsection (3) above, in relation to summary proceedings, the parties to the proceedings shall, in complying with the duty under subsection (1) above, seek to ensure that the facts to be identified, and the steps to be taken in relation to those facts, are identified and taken before any intermediate diet that is to be held.”

(2) In section 258 (uncontroversial evidence) of that Act—

(a) in subsection (2), for the words “14 days” there is substituted “the relevant period”,

(b) after subsection (2) there is inserted—

“(2ZA) In subsection (2) above, the “relevant period” means—

(a) where the relevant diet for the purpose of that subsection is an intermediate diet in summary proceedings, 7 days;

(b) in any other case, 14 days.”

(c) in subsection (2A), after paragraph (a) there is inserted—

“(aa) in summary proceedings in which an intermediate diet is to be held, that diet;”

(d) in subsection (4A), the words “in any solemn proceedings” are repealed,

(e) in subsection (4B)—

(i) the word “and” immediately following paragraph (a) is repealed,

Status: This is the original version (as it was originally enacted).

- (ii) in paragraph (b), after the word “in” in the first place where it occurs there is inserted “solemn”,
- (iii) after paragraph (b) there is added—
 - “(c) in summary proceedings—
 - (i) in which an intermediate diet is to be held, that diet;
 - (ii) in which such a diet is not to be held, the trial diet.”.