



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

2007 asp 6

## PART 2

### PROCEEDINGS

#### *Summary procedure*

#### **9 Procedure at first calling**

- (1) In section 144 (procedure at first diet) of the 1995 Act—
- (a) in paragraph (a) of subsection (2), the words from “and” to the end are repealed,
  - (b) after subsection (3) there is inserted—  
“(3ZA) Where the prosecutor is not satisfied, in relation to a written intimation of a plea—
    - (a) that the intimation of the plea has been made or authorised by the accused; or
    - (b) that the terms of the plea are clear,the court may continue the case to another diet.  
  
(3ZB) The clerk of court may perform the functions of the court under—
    - (a) subsections (2) and (3) above in relation to a plea of not guilty;
    - (b) subsection (3ZA) above,without the court being properly constituted.”.
- (2) In section 145A (adjournment at first calling to allow accused to appear etc.) of that Act, after subsection (3) there is added—  
“(4) The clerk of court may perform the functions of the court under subsection (1) above without the court being properly constituted.”.

**Changes to legislation:**

There are currently no known outstanding effects for the *Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 9*.