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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 405**

**The Criminal Procedure (Amendment)  
(Scotland) Act 2004 (Commencement,  
Transitional Provisions and Savings) Order 2004**

**Transitional provision relating to procedure where trial diet does not proceed**

4.—(1) This article applies where a trial diet has been fixed for a date on or after 1st February 2005 but before 1st April 2005 and the trial does not proceed on that date.

(2) Where the High Court appoints a further trial diet for a date after 31st March 2005 it may, if it is satisfied that it is appropriate to do so, indicate that the diet is to be a floating diet for the purposes of section 83A of the 1995 Act.

(3) Where section 81(5)(a)(i) of the 1995 Act applies (as amended by the 2004 Act) it shall be read without reference to the word “further”.

(4) The application of the 1995 Act (as amended by the 2004 Act) in circumstances to which this article applies shall not have the effect of requiring a preliminary hearing to commence within a period of 11 months of the first appearance of the accused on petition in respect of the offence.