



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PART I

SOLEMN PROCEDURE

PROCEDURE PRIOR TO TRIAL

Fixing the Diets

75 Two diets

The notice to a person accused when served with an indictment to appear and answer thereto shall contain two diets of appearance in the form of Schedule F to the Criminal Procedure (Scotland) Act 1887 where the second diet is to be in the sheriff court, and in the form of Schedule G to that Act when the second diet is to be in the High Court, and such first diet shall be not less than six clear days after the service of the indictment, and such second diet shall not be less than nine clear days after such first diet.

The said notice may, instead of being in the form of the said Schedule F or G, be in the form set out in an Act of Adjournal under this Act or as nearly as may be in such form.

76 Notice for first diet

- (1) Where a person is charged on indictment, the notice for the first diet of appearance shall call on that person to appear in the sheriff court before which he appeared on judicial examination unless the Lord Advocate otherwise directs.
- (2) The Lord Advocate may make a direction that the first diet of appearance may be taken at a sheriff court other than the sheriff court where the accused appeared on judicial examination either in respect of a class of cases or in respect of particular cases.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

77 **Alteration of diet**

Where in any proceedings on indictment the second diet in which is to be in the sheriff court the indictment is not brought to trial at that diet and a warrant has been issued by the sheriff clerk under section 69 of this Act for a subsequent sitting of the court on a day within one month after the date of the aforesaid second diet, it shall be lawful for the court to adjourn that diet to the subsequent sitting, and the warrant shall have effect as if the second diet had been originally fixed for the date of such subsequent sitting.