



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART IX

SUMMARY PROCEEDINGS

Non-availability of judge

151 Death, illness or absence of judge

- (1) Where the court is unable to proceed owing to the death, illness or absence of the presiding judge, it shall be lawful for the clerk of court—
 - (a) where the diet has not been called, to convene the court and adjourn the diet;
 - (b) where the diet has been called but no evidence has been led, to adjourn the diet; and
 - (c) where the diet has been called and evidence has been led—
 - (i) with the agreement of the parties, to desert the diet *pro loco et tempore*; or
 - (ii) to adjourn the diet.
- (2) Where, under subsection (1)(c)(i) above, a diet has been deserted *pro loco et tempore*, any new prosecution charging the accused with the same or any similar offence arising out of the same facts shall be brought within two months of the date on which the diet was deserted notwithstanding that any other time limit for the commencement of such prosecution has elapsed.
- (3) For the purposes of subsection (2) above, a new prosecution shall be deemed to commence on the date on which a warrant to apprehend or to cite the accused is granted, if such warrant is executed without undue delay.