



# Criminal Justice (Scotland) Act 1949

## 1949 CHAPTER 94

### PART I

#### POWERS AND PROCEEDINGS OF COURTS

*Miscellaneous provisions relating to jurisdiction, procedure, appeals, etc.*

#### **41 Alteration of diet in indictment and in summary proceedings**

- (1) 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 twenty-three of the Criminal Procedure (Scotland) Act, 1887, 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.
- (2) Where a diet has been fixed for the trial of any summary complaint, and the parties desire that the complaint should be disposed of at an earlier or a later diet, the court may on a joint application in writing by the parties or their solicitors discharge the diet so fixed and fix in lieu thereof an earlier or a later diet.