



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 12

MISCELLANEOUS AND GENERAL

Miscellaneous

80 Television link from court to prison or other place of detention

- (1) In proceedings in the High Court or sheriff court the court may, on application to it, make in relation to—
- (a) any diet other than—
 - (i) the first calling of the case in a summary prosecution; or
 - (ii) a diet at which evidence as to the charge may be led or presented;
 - (b) the hearing, on an occasion other than a first occasion such as is mentioned in section 22A(1) of the 1995 Act (which relates to first appearance), of a petition under section 34(1) of that Act (petition for warrant); or
 - (c) any judicial examination conducted, other than on such a first occasion, by virtue of such a petition,
- arrangements whereby any due participation, at the diet, hearing or examination, of an accused who is a person imprisoned, or detained, in any place in Scotland is through a live television link from that place, the accused not being brought to the court-room or as the case may be to chambers; but this subsection is subject to subsection (5).
- (2) Where such arrangements are made the place is, for the purposes of the proceedings, to be deemed part of the court-room or as the case may be of chambers and any proceedings conducted in accordance with the arrangements are to be deemed to take place in the presence of the accused.
- (3) The court—
- (a) may at any time before or during the diet, hearing or examination; and
 - (b) in the case of a diet, must, where the arrangements were made by virtue of subsection (5) but at the diet a party seeks duly to lead or present evidence as to the charge,

Status: This is the original version (as it was originally enacted).

determine that, in the interests of justice, the arrangements shall not be continued with and postpone the diet, or as the case may be the hearing or examination, to the next day which is not a Saturday, Sunday or court holiday prescribed for the court.

- (4) The period of any such postponement is not to count towards any time limit applying in respect of the case.
- (5) Paragraph (a)(ii) of subsection (1) does not apply where, in relation to an application under that subsection, the court is satisfied that neither (or as the case may be none) of the parties intends to lead or present, at the diet mentioned in that paragraph, evidence as to the charge.