



# Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

## PART 2

### PROCEEDINGS

#### *Preparation for summary trial*

#### **20 Proof of uncontroversial matters**

- (1) In section 257 (duty to seek agreement of evidence) of the 1995 Act, after subsection (4) there is added—

“(5) Without prejudice to subsection (3) above, in relation to summary proceedings, the parties to the proceedings shall, in complying with the duty under subsection (1) above, seek to ensure that the facts to be identified, and the steps to be taken in relation to those facts, are identified and taken before any intermediate diet that is to be held.”.

- (2) In section 258 (uncontroversial evidence) of that Act—

- (a) in subsection (2), for the words “14 days” there is substituted “ the relevant period ”,
- (b) after subsection (2) there is inserted—

“(2ZA) In subsection (2) above, the “relevant period” means—

- (a) where the relevant diet for the purpose of that subsection is an intermediate diet in summary proceedings, 7 days;
  - (b) in any other case, 14 days.”,
- (c) in subsection (2A), after paragraph (a) there is inserted—
  - “(aa) in summary proceedings in which an intermediate diet is to be held, that diet;”,
- (d) in subsection (4A), the words “in any solemn proceedings” are repealed,
- (e) in subsection (4B)—
  - (i) the word “and” immediately following paragraph (a) is repealed,

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 20. (See end of Document for details)

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- (ii) in paragraph (b), after the word “in” in the first place where it occurs there is inserted “solemn”,
- (iii) after paragraph (b) there is added—
  - “(c) in summary proceedings—
    - (i) in which an intermediate diet is to be held, that diet;
    - (ii) in which such a diet is not to be held, the trial diet.”.

[<sup>F1</sup>(3) In section 258 of that Act, after subsection (4C) there is added—

“(4D) In summary proceedings, the court may allow an application under subsection (4A) above to be made late if the court is satisfied that a timeous application would not have been practicable.”]

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#### Textual Amendments

- F1** [S. 20\(3\)](#) added (10.12.2007) by [The Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(Incidental, Supplemental and Consequential Provisions\) Order 2007 \(S.S.I. 2007/540\)](#), [art. 4](#)
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#### Commencement Information

- I1** [S. 20](#) wholly in force at 10.12.2007, see [s. 84](#) and [S.S.I. 2007/479](#). {art. 3}, Sch. (subject to transitional provisions in art. 7)

**Changes to legislation:**

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