SCOTTISH STATUTORY INSTRUMENTS

2013 No. 198

Act of Adjournal (Criminal Procedure Rules Amendment No. 3) (Miscellaneous) 2013

Compatibility issues and devolution issues

3.—(1) In rule 40.12 (orders pending determination of compatibility issues or devolution issues)(**1**)—

(a) for paragraph (1) substitute—

"(1) Where a court makes a reference mentioned in rule 40.10 or rule 40.11 it may make such orders as it considers just and equitable in the circumstances pending the determination of the compatibility issue or devolution issue.

(1A) Where an appeal under paragraph 13(a) of Schedule 6 is taken, the High Court of Justiciary may make such orders as it considers just and equitable in the circumstances pending the determination of that appeal.

(1B) Without prejudice to the generality of paragraphs (1) and (1A), orders made under those paragraphs may include—

(a) an order postponing any diet, including a trial diet, fixed in the case;

(b) such orders as the court considers appropriate in relation to bail;

(c) subject to paragraph (2), an order extending the period within which any step requires to be taken or event to have occurred.".

(b) in paragraph (2), omit the words "under paragraph (1)(c)".

(2) In rule 40.13(1)(b)(**2**) (procedure on receipt of determination of compatibility issue or devolution issue), after "rule 40.11" omit the remainder of the sentence.

(**1**) Rule 40.12 was inserted by S.S.I. 2013/72.
(**2**) Rule 40.13 was inserted by S.S.I. 2013/72.