



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VII

SOLEMN PROCEEDINGS

Pre-trial proceedings

74 Appeals in connection with preliminary diets

- (1) Without prejudice to—
 - (a) any right of appeal under section 106 or 108 of this Act; and
 - (b) section 131 of this Act,and subject to subsection (2) below, a party may with the leave of the court of first instance (granted either on the motion of the party or *ex proprio motu*) in accordance with such procedure as may be prescribed by Act of Adjournal, appeal to the High Court against a decision at a first diet or a preliminary diet.
- (2) An appeal under subsection (1) above—
 - (a) may not be taken against a decision to adjourn the first or, as the case may be, preliminary diet or to postpone the trial diet;
 - (b) must be taken not later than 2 days after the decision.
- (3) Where an appeal is taken under subsection (1) above, the High Court may postpone the trial diet for such period as appears to it to be appropriate and may, if it thinks fit, direct that such period (or some part of it) shall not count towards any time limit applying in respect of the case.
- (4) In disposing of an appeal under subsection (1) above the High Court—
 - (a) may affirm the decision of the court of first instance or may remit the case to it with such directions in the matter as it thinks fit; and
 - (b) where the court of first instance has dismissed the indictment or any part of it, may reverse that decision and direct that the court of first instance fix a trial

Status: This is the original version (as it was originally enacted).

diet, if it has not already fixed one as regards so much of the indictment as it has not dismissed.