



Criminal Procedure (Intermediate Diets) (Scotland) Act 1998

1998 CHAPTER 10

An Act to amend, with retrospective effect, the law in relation to intermediate diets in summary criminal proceedings in Scotland. [8th April 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Discretion to hold intermediate diets

(1) In section 148 of the Criminal Procedure (Scotland) Act 1995 (intermediate diets) (which consolidated section 337A of the Criminal Procedure (Scotland) Act 1975)—

(a) in subsection (1)—

(i) for the words from the beginning to the word “trial”, where it first appears, there shall be substituted the words “The court may, when adjourning a case for trial in terms of section 146(3) of this Act, and may also, at any time thereafter, whether before, on or after any date assigned as a trial diet”; and

(ii) for the words “the date assigned as the trial diet” there shall be substituted the words “any date assigned as a trial diet”

(b) in subsection (7)(a), after the word ““may””, there shall be inserted the words “where it first appears,”.

(2) The amendments made by subsection (1) above shall be deemed always to have had effect.

(3) Subsection (1) of the said section 337A shall be deemed always to have had effect as if enacted as follows—

“(1) The court may, when adjourning a case for trial in terms of section 337(b) of this Act, and may also, at any time thereafter, whether before, on or after any

date assigned as a trial diet, fix a diet (to be known as an intermediate diet) for the purpose of ascertaining—

- (a) the state of preparation of the prosecutor and of the accused with respect to their cases; and
- (b) whether the accused intends to adhere to the plea of not guilty.”

2 Short title and extent

- (1) This Act may be cited as the Criminal Procedure (Intermediate Diets) (Scotland) Act 1998.
- (2) This Act extends to Scotland only.