

STATUTORY INSTRUMENTS

1986 No. 1686 (S. 127)

SUMMARY JURISDICTION, SCOTLAND

Act of Adjournal (Summary Procedure) (Intimation of Diets)
1986

Made - - - - 26th September 1986

Coming into Operation 20th October 1986

The Lord Justice General, Lord Justice Clerk and Lords Commissioners of Justiciary under and by virtue of the powers conferred on them by section 457 of the Criminal Procedure (Scotland) Act 1975(a), and of all other powers enabling them in that behalf, do hereby enact and declare:—

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Summary Procedure) (Intimation of Diets) 1986 and shall come into operation on 20th October 1986.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

Intimation of diets

2.—(1) Where an accused is not represented or not personally present and a court of summary jurisdiction in a summary prosecution continues a diet without taking a plea from the accused, the prosecutor shall intimate the continuation and the date of the adjourned diet to the accused.

(2) Subject to section 338(1)(a) of the Criminal Procedure (Scotland) Act 1975(b), where an accused is not represented or not personally present, on the fixing of—

(a) a diet of trial;

(b) a diet after conviction; or

(c) any diet after a plea from the accused has been recorded,

(a) 1975 c.21; section 457 was amended by the Criminal Justice (Scotland) Act 1980 (c.62), Schedule 7, paragraph 72.

(b) Section 338 was amended by the Criminal Justice (Scotland) Act 1980, section 17.

by a court of summary jurisdiction in a summary prosecution, the sheriff clerk or clerk of the district court, as the case may be, shall intimate the diet to the accused.

Emslie,
Lord Justice General,
I.P.D.

Edinburgh,
26th September 1986.

EXPLANATORY NOTE

(This Note is not part of the Act of Adjournal.)

This Act of Adjournal provides for the intimation of diets to accused persons in summary prosecutions in the sheriff and district courts.

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