



Criminal Procedure (Amendment) (Scotland) Act 2002

2002 asp 4

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 27th February 2002 and received Royal Assent on 8th March 2002

An Act of the Scottish Parliament to provide, retrospectively, as to the effect on trial diets in summary proceedings of arrest warrants granted at intermediate diets.

1 Effect of grant of arrest warrant at intermediate diet

- (1) In section 150 of the 1995 Act (which, among other things, gives the court power to order the arrest of an accused who fails to appear at certain diets in summary proceedings), after subsection (3) there are inserted the following subsections—

“(3A) The grant, under subsection (3) above, at an intermediate diet of a warrant to apprehend the accused has the effect of discharging the trial diet as respects that accused.

(3B) Subsection (3A) above is subject to any order to different effect made by the court when granting the warrant.”.

- (2) The amendment made by subsection (1) above shall be regarded as always having had effect.

- (3) Section 338(1) of the 1975 Act (which was re-enacted by section 150 of the 1995 Act) shall be read as having had effect since the coming into force of section 15 of the 1980 Act with the insertion after paragraph (c) of the following paragraphs—

“(ca) the grant, under paragraph (c) above, at an intermediate diet of a warrant to apprehend the accused has the effect of discharging the trial diet as respects that accused;

(cb) paragraph (ca) of this subsection is subject to any order to different effect made by the court when granting the warrant.”.

- (4) This section does not operate so as to make incompetent the proceedings at any trial diet which has—

- (a) been completed; or
- (b) been called, but not completed,

before this section comes into force.

(5) In this section—

the “1995 Act” is the Criminal Procedure (Scotland) Act [1995 \(c. 46\)](#);

the “1975 Act” is the Criminal Procedure (Scotland) Act [1975 \(c. 21\)](#);

the “1980 Act” is the Criminal Justice (Scotland) Act [1980 \(c. 62\)](#).

2 Short title and commencement

(1) This Act may be cited as the Criminal Procedure (Amendment) (Scotland) Act 2002.

(2) Section 1 above comes into force on the day after Royal Assent.