

*These notes relate to the Criminal Procedure (Amendment) (Scotland)
Act 2004 (asp 5) which received Royal Assent on 4th June 2004*

CRIMINAL PROCEDURE (AMENDMENT) (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Proceedings in the High Court

Section 1 - Preliminary hearings

New section 72B – power to dispense with preliminary hearing

23. New section 72B empowers the court, on joint application, to dispense with the preliminary hearing.
24. Subsections (1) to (3) provide for the court to dispense with a preliminary hearing where it is content that one is unnecessary, but only where the parties jointly apply for such dispensation and the court is satisfied that parties are prepared for trial, and that there are no outstanding preliminary issues or other matters that require consideration. The court will then appoint a trial date. The procedure to be followed will be regulated by Act of Adjournal.
25. The accused is required by subsection (4) to attend any trial diet appointed by the court after the court has dispensed with the preliminary hearing.
26. Subsections (5) and (6) provide that, where a preliminary hearing has been dispensed with, this does not affect the calculation of any time limit fixed by reference to the preliminary hearing and that such time limit shall have effect as if it were fixed by reference to the date on which the preliminary hearing would have been held if it had not been dispensed with.