



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 3

#### SOLEMN PROCEDURE

#### 79 Pre-trial time limits

- (1) The 1995 Act is amended as follows.
- (2) In section 65 (prevention of delay in trials)—
  - (a) in subsection (1), after paragraph (a) there is inserted—
    - “(aa) where an indictment has been served on the accused in respect of the sheriff court, a first diet is commenced within the period of 11 months;”
  - (b) in subsection (1A), after the word “applies” there is inserted “, the first diet (where subsection (1)(aa) above applies) ”
  - (c) in subsection (4)(b), for the words “110 days” there is substituted—
    - “(i) 110 days, unless a first diet in respect of the case is commenced within that period, which failing he shall be entitled to be admitted to bail; or
    - (ii) 140 days”
  - (d) in subsection (9)—
    - (i) the word “and” immediately following paragraph (b) is repealed,
    - (ii) after paragraph (b) there is inserted—
      - “(ba) a first diet shall be taken to commence when it is called;”
- (3) In section 66 (service and lodging of indictment, etc.), for sub-paragraphs (i) and (ii) of paragraph (a) of subsection (6) there is substituted “ at a first diet not less than 29 clear days after the service of the indictment, ”.
- (4) In section 72C (procedure where preliminary hearing does not proceed), for paragraph (b) of subsection (4) there is substituted—
  - “(b) where the charge is one that can lawfully be tried in the sheriff court, at a first diet in that court not less than 29 clear days after the service of the notice.”

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**Changes to legislation:** *Criminal Justice (Scotland) Act 2016, Section 79 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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#### **Commencement Information**

**II** S. 79 in force at 29.5.2017 for specified purposes by [S.S.I. 2017/99](#), [art. 3\(1\)\(2\)](#) (with [arts. 3\(3\)\(4\), 6](#))

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)