

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, Cross Heading: Expiry of undertaking under section 25(2) (a) of the Criminal Justice (Scotland) Act 2016. (See end of Document for details)

SCHEDULE 2 OPERATION OF THE JUSTICE SYSTEM

PART 1

CRIMINAL JUSTICE

Expiry of undertaking under section 25(2)(a) of the Criminal Justice (Scotland) Act 2016

- 6 (1) The Criminal Justice (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.
- (2) Section 29 (expiry of undertaking) has effect as if in subsection (1)(a), after “court” there were inserted “ (but see section 29A) ”.
- (3) The Act has effect as if after section 29 there were inserted—

“29A Expiry of undertaking: coronavirus-related reason for non-appearance

- (1) A court may modify the terms of an undertaking given under section 25(2) (a) by changing the time at which the person who gave it is to appear at the court if—
- (a) the person has failed to appear at court as required by the terms of the undertaking,
 - (b) the court considers that the failure to appear is attributable to a reason relating to coronavirus, and
 - (c) the court does not consider it appropriate to grant a warrant for the person's arrest on account of the failure to appear.
- (2) Where a court modifies the terms of an undertaking under subsection (1), the procurator fiscal must give notice of the modification to the person who gave the undertaking as soon as reasonably practicable.
- (3) Notice under subsection (2) must be effected in a manner by which citation may be effected under section 141 of the 1995 Act.
- (4) The reference in subsection (1) to the terms of an undertaking are to the terms of the undertaking subject to any modification by notice under section 27(1).
- (5) A reference in any enactment to the modification of the terms of an undertaking under section 27(1) is to be treated as including modification under subsection (1).
- (6) In subsection (1)(b), “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”.

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