SCHEDULE 4

JUSTICE

PART 4

EXTENSION OF TIME LIMITS

Criminal proceedings: extension of time limits

10   (1) The Criminal Procedure (Scotland) Act 1995 applies in accordance with the modifications in sub-paragraphs (2) to (6).

(2) Section 52T (prevention of delay in trials: assessment orders and treatment orders) has effect as if—

    (a)   in subsection (1), after the words "Subsections (4) to (9)" there were inserted " , (11), (12)(b) and (13) ",

    (b)   in subsection (4)(c), before the word "section" there were inserted "subsection (1) of",

    (c)   after subsection (4) there were inserted—

        "(5) In subsection (4)—

            (a)   the provisions of section 65 referred to in paragraphs (a) and (b) are to be read with subsections (11), (12)(b) and (13) of that section,

            (b)   the provisions of section 147 referred to in paragraphs (c) and (d) are to be read with subsections (5) and (6) of that section.".

(3) Section 65 (solemn proceedings: prevention of delay in trials) has effect as if after subsection (10) there were inserted—

    "(11) In calculating any of the periods specified in subsection (12), no account is to be taken of the suspension period.

    (12) Those periods are—

        (a)   any period mentioned in subsection (1), including any such period as extended—

            (i) under subsection (3),

            (ii) on appeal under subsection (8), or

            (iii) under section 74(4)(c),

        (b)   any period mentioned in subsection (4), including any such period as extended—

            (i) under subsection (5), or

            (ii) on appeal under subsection (8).

    (13) For the purpose of subsection (11), the suspension period is the period of 6 months beginning with whichever is the later of—

        (a)   the day on which paragraph 10 of schedule 4 of the Coronavirus (Scotland) Act 2020 comes into force,

        (b)   the day on which—

   (i) in relation to a period specified in subsection (12)(a), the accused first appears on petition in respect of the offence, or

   (ii) in relation to a period specified in subsection (12)(b), the accused is committed for the offence until liberated in due course of law.".

(4) Section 136(1) (time limit for certain offences) has effect as if for the words "six months" in both places where they occur there were substituted " 12 months ".

(5) Section 147 (summary proceedings: prevention of delay in trials) has effect as if after subsection (4) there were inserted—

  "(5) In calculating the period mentioned in subsection (1), including any such period as extended either under subsection (2) or on appeal under subsection (3), no account is to be taken of the suspension period.

  (6) For the purpose of subsection (5), the suspension period is the period of 3 months beginning with whichever is the later of—

   (a) the day on which paragraph 10 of schedule 4 of the Coronavirus (Scotland) Act 2020 comes into force,

   (b) the day on which the complaint is brought in court.".

(6) Section 201 (power of court to adjourn case before sentence) has effect as if for subsection (3) there were substituted—

  "(3) The court may adjourn the hearing of a case as mentioned in subsection (1) for such period as it considers appropriate.".

(7) The Criminal Justice (Scotland) Act 2003 applies in accordance with the modification in sub-paragraph (8).

(8) Section 21 (sexual and certain other offences: reports) has effect as if subsections (9) and (10) were repealed.

Status:
Point in time view as at 07/04/2020.

Changes to legislation:
There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, PART 4.