

SCHEDULE TEMPORARY JUSTICE MEASURES

PART 3

FAILURE TO APPEAR BEFORE COURT FOLLOWING POLICE LIBERATION

Power for court to reschedule due to coronavirus

- 15 (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 specified as the time at which the person is to appear at the court if—
- (a) the person has failed to appear 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 terms of an undertaking being modified by notice under section 27(1) includes their being modified under [subsection \(1\)](#).
- (6) In [subsection \(1\)\(b\)](#), “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).”