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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 99**

**The Criminal Justice (Scotland) Act 2016  
(Commencement No. 4, Transitional,  
Transitory and Saving Provisions) Order 2017**

**Transitory provision – adjournment and alteration of diets calling before 28th August 2017**

6.—(1) This article applies until 27th August 2017 where—

- (a) the accused is called on by a relevant notice to appear at a first diet calling before 28th August 2017; and
- (b) that notice also calls on the accused to appear at a trial diet.

(2) In a case to which this article applies, section 71(7)(a)(1) of the 1995 Act is to be read as if, after “postpone”, there were inserted “or discharge”.

(3) If the court adjourns the first diet under section 75A(2)(2) of the 1995 Act to a date between 31st July 2017 and 27th August 2017, it may also discharge the trial diet.

(4) If the court discharges both the first diet and the trial diet under section 75A(5)(a) of the 1995 Act, or discharges the trial diet only under that section, it—

- (a) is not required to fix a new trial diet under section 75A(5)(b) of that Act; and
- (b) may instead fix a new first diet only, calling between 31st July 2017 and 27th August 2017.

(5) Article 4(2) does not apply for the purposes of a first diet—

- (a) fixed under section 71(7)(b) of the 1995 Act for a date between 31st July 2017 and 27th August 2017 if the court also discharges the trial diet under section 71(7)(a) of that Act (as modified by paragraph (2));
- (b) adjourned under section 75A(2) of the 1995 Act if the court also discharges the trial diet under paragraph (3);
- (c) fixed under paragraph (4)(b); or
- (d) fixed by an order under section 102A(6)(3) of that Act for a date between 31st July 2017 and 27th August 2017 if, in that order, the court also discharges the trial diet.

(6) Where the court adjourns or postpones to a date on or after 28th August 2017 a first diet at which the accused is called on to appear by a relevant notice (including the adjournment or postponement of any such diet which was previously adjourned, postponed or otherwise altered), any trial diet at which the accused is called on to appear by that notice is to be treated as having been discharged.

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(1) Section 71 has been amended by the 2002 Act, section 8(2) and schedule 1, paragraph 5; the Vulnerable Witnesses (Scotland) Act 2004 ([asp 3](#)), sections 2(1) and 7(1); the 2004 Act, sections 14 and 19 and schedule 1, paragraph 20; the 2007 Act, schedule 1, paragraph 12; the 2010 Act, schedule 7, paragraph 45; the Victims and Witnesses (Scotland) Act 2014 ([asp 1](#)), section 11(1) and [S.S.I. 2005/40](#).

(2) Section 75A was inserted by the 2004 Act, section 15.

(3) Section 102A was inserted by the 2007 Act, section 32 and has been amended by the 2010 Act, schedule 7, paragraph 50 and by [S.S.I. 2008/109](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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