

SCHEDULE 2

CRIMINAL PROCEDURE RULES 1996

PART III

Solemn proceedings

CHAPTER 10

PLEA OF GUILTY

Procedure for plea of guilty

10.1.—(1) A notice to appear at a diet of the appropriate court served on an accused under section 76(1) of the Act of 1995 (procedure where accused desires to plead guilty) shall—

- (a) if an indictment has not already been served, be in Form 10.1-A;
- (b) if an indictment has already been served, be in Form 10.1-B.

(2) In any case set down for trial in the High Court, any diet fixed by virtue of section 76(1) of the Act of 1995 may be called before the High Court sitting in Edinburgh whether or not—

- (a) the case has already been set down for trial at any sitting elsewhere, or
- (b) any notice has already been served on the accused under section 66(6) of that Act (notice of first and trial diet).

(3) In the application of subsection (3) of section 76 of the Act of 1995, the court may postpone the trial diet under that section if, but only if—

- (a) all the accused have been served with a notice in accordance with subsection (1) of that section;
- (b) all the accused are present at the diet called by virtue of subsection (1) of that section; and
- (c) a motion to postpone the trial diet is made to the court at that diet.

(4) Where the court grants that motion, the order granting it shall—

- (a) be endorsed on the record copy of the indictment;
- (b) be signed by the presiding judge;
- (c) be entered in the record of proceedings; and
- (d) have effect, for the purposes of subsections (1) to (3) of section 66 of the Act of 1995 (service and lodging of indictment, etc.), as a warrant of citation issued under that section by the Clerk of Justiciary or sheriff clerk, as the case may be, for the date to which the trial diet has, by virtue of that order, been postponed.

(5) A copy of the order shall be sent by the clerk of court to the governor of any institution in which any accused is detained.

(6) Any requirement to call the diet in any case where such an order has been made shall have effect only in relation to the postponed trial diet.