
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 221

The Criminal Justice (Scotland) Act 2016 (Consequential and Transitional Provisions) Regulations 2017

Amendment of the 1995 Act

- 2.—(1) The 1995 Act is amended as follows.
- (2) In section 81 (procedure where trial diet does not proceed)(1)—
- (a) in subsection (4), omit the words “or the accused has been cited to a trial diet in the sheriff court”;
 - (b) for subsection (5)(a)(ii) substitute—
 - “(ii) where the charge is one that can lawfully be tried in the sheriff court, at a first diet in that court not less than 21 clear days after service of the notice; or”; and
 - (c) in subsection (5)(b)(i), for “further trial diet” substitute “first diet”.
- (3) In section 82 (desertion or postponement where accused in custody)(2), for paragraph (c) substitute—
- “(c) an order is issued changing the place at which the trial is to take place.”.

(1) Section 81 was amended by the Criminal Procedure (Amendment) (Scotland) Act 2004 ([asp 5](#)) (“the 2004 Act”), section 9.

(2) Section 82 was amended by the 2004 Act, schedule 1, paragraph 27.