1984 No 820 (S.77)

HIGH COURT OF JUSTICIARY

Act of Adjournal (Notice of Abandonment of Matter before Preliminary Diet) 1984

Made - - - 15*th June* 1984

Coming into Operation 9*th July* 1984

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary under and by virtue of the powers conferred upon them by section 282 of the Criminal Procedure (Scotland) Act 1975(**a**) and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Notice of Abandonment of Matter before Preliminary Diet) 1984 and shall come into operation on 9th July 1984.

(2) In this Act of Adjournal, "the Act of 1975" means the Criminal Procedure (Scotland) Act 1975.

(3) This Act of Adjournal shall be inserted in the Books of Adjournal.

Notice of abandonment of matter to be raised at preliminary diet

2.—(1) Where a diet has been fixed for a preliminary diet under section 76 of the Act of 1975(**b**) and the party raising the matter decides not to proceed with it, he shall give written notice of abandonment of the notice of intention previously lodged by him.

(2) The notice of abandonment shall be as nearly as may be in the form in the Schedule to this Act of Adjournal and shall be intimated forthwith to the clerk of court and to all other parties.

3. Upon intimation of a notice under paragraph 2 it shall not be necessary to convene the court for the preliminary diet unless another notice of intention under section 76(3) of the Act of 1975 has been lodged between the lodgement of the first notice of intention and the notice of abandonment.

Emslie,
Lord Justice General
I.P.D.

Edinburgh,
15th June 1984.

(**a**) 1975 c.21.
(**b**) As amended by the Criminal Justice (Scotland) Act 1980 (c.62), section 12 and Sch. 4, para 5.

SCHEDULE

FORM OF NOTICE OF ABANDONMENT OF MATTER TO BE RAISED AT PRELIMINARY DIET

HER MAJESTY'S ADVOCATE v. A.B., HIGH COURT/SHERIFF COURT (*place*)

I, A.B. , abandon the written notice of intention lodged by me on (*date*) in terms of section 76 of the Criminal Procedure (Scotland) Act 1975 for which a preliminary diet has been fixed to be heard at (*place*) on (*date*) at (*time*).

(*Signed*) A.B.

[*or* Solicitor *or* Counsel for A.B.
(*address and telephone number of solicitor)]*

(Place and date)

EXPLANATORY NOTE

(*This Note is not part of the Act of Adjournal.*)

This Act of Adjournal makes provision for written notice to be given, before a preliminary diet, of abandonment of the matter for which a preliminary diet has been fixed after a notice of intention to raise such a matter had been lodged under section 76 of the Criminal Procedure (Scotland) Act 1975.

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