

ACT OF ADJOURNAL (CRIMINAL PROCEDURE RULES) 1996 SI 1996/513

SCHEDULE 2

CRIMINAL PROCEDURE RULES 1996

PART III Solemn proceedings

CHAPTER 9B OBJECTIONS TO THE ADMISSIBILITY OF EVIDENCE RAISED AFTER FIRST DIET OR PRELIMINARY HEARING

Notice etc. of objections raised after first diet or preliminary hearing

9B.1 (1) Any notice given under section 79A(2) of the Act of 1995 (objections to the admissibility of evidence after first diet or preliminary hearing) shall be by minute in Form 9B.1 and shall be served on the other parties by the minuter.

(2) On the lodging of a minute under paragraph (1), the Clerk of Justiciary or the sheriff clerk, as the case may be, shall place the minute before a judge in chambers.

(3) On considering the minute in the absence of the parties or of any person acting on their behalf, the judge shall appoint-

(a) a further diet to be held before the trial diet for the purpose of hearing the parties on whether leave should be granted for the objection to be raised; or

(b) the question of whether leave should be granted under section 79A(2) of the Act of 1995 for the objection to be disposed of at the trial diet.

(4) The Clerk of Justiciary or the sheriff clerk, as the case may be, shall intimate the order under paragraph (3) to the parties and to the governor of any institution in which the accused is detained.