



Criminal Procedure Act 1701

1701 CHAPTER 6

Act for preventing wrongous Imprisonments and against undue delays in Tryals.

Annotations:

Modifications etc. (not altering text)

C1 Short title given by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 2](#)

... ^{F1} And His Majestie with advice and consent forsaid farder Statutes and Ordains that upon application of any prisoner for Custody in order to tryal whither for capital orailable Crimes to any of the Lords of Justiciary or other Judge or Judicatory competent for judgeing the crime or offence for which he is imprisoned and the said prisoner his produceing the said double of the warrant of his imprisonment under the Keepers hand the said Judge or Judicatory competent ... ^{F2} are hereby Ordained within twenty four hours after the said application and petition is presented to him or them to give out letters or precepts direct to messengers for intimating to his Majesties Advocat or Procurator fiscall and party appearing by the warrant to be concerned if any be within the Kingdom to fix a dyet for the tryal within sixty dayes after the intimation Certifieing his Majesties Advocat or Procurator fiscall and the said party concerned that if they failyie the prisoner shall be discharged and set at liberty without delay For doing whereof the said Judge or Judicatory competent are hereby expressly warranted and strictly required and ordained to do the same ... unless the delay be upon the prisoners petition or desire And the dyet of the tryal being prefixed the Magistrats of the place or Keeper of the prison shall then be oblinded to deliver the prisoner to a sufficient guard to be provided by the Judge his Majesties Advocat or Procurator fiscall that the prisoner may be sisted before the Judge competent And his Majesties Advocat or Procurator fiscall shall insist in the lybell and the Judge put the same to a tryal and the same shall be determined by a final sentence within fourty dayes if before the Lords of Justiciary and thirty dayes if before any other Judge And if his Majesties Advocat or Procurator fiscall do not insist in the tryal at the day appointed and prosecute the same to the conclusion as aforesaid His Majestie with advice forsaid Statutes and Ordains that the dyet shall then be simpliciter deserted and the prisoner immediately liberat from his imprisonment for that crime or offence And if no process be raised and execute within the time allowed or in case of not insisting at the dyet and bringing the process to a conclusion within the forsaid space it shall be lawful to the prisoner to apply to the Justice General Justice Clerk or