

*Status: Point in time view as at 17/01/2017. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Courts Reform (Scotland) Act 2014, SCHEDULE 3 is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### SCHEDULE 3

(introduced by section 118(3))

#### TRANSFER OF SUMMARY CRIMINAL APPEAL JURISDICTION TO THE SHERIFF APPEAL COURT

1 The Criminal Procedure (Scotland) Act 1995 is amended as follows.

##### Commencement Information

**I1** Sch. 3 para. 1 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

2 (1) Section 173 (quorum of court in relation to appeals) is amended in accordance with this paragraph.

(2) The title becomes “ **Quorum of Sheriff Appeal Court in relation to appeals** ”.

(3) In each of subsections (1) and (2)—

(a) for “High Court” substitute “ Sheriff Appeal Court ”,

(b) for “judge” in each place where it occurs substitute “ Appeal Sheriff ”,

(c) for “Lords Commissioners of Justiciary” in each place where it occurs substitute “ Appeal Sheriffs ”.

##### Commencement Information

**I2** Sch. 3 para. 2 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

3 In section 174 (appeals relating to preliminary pleas), in each of subsections (1), (2) and (4), for “High Court” substitute “ Sheriff Appeal Court ”.

##### Commencement Information

**I3** Sch. 3 para. 3 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

4 In section 175 (right of appeal), in each of subsections (2), (3), (4), (5) and (5E), for “High Court” substitute “ Sheriff Appeal Court ”.

##### Commencement Information

**I4** Sch. 3 para. 4 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

5 In section 176(4) (stated case: manner and time of appeal), for “High Court” substitute “ Sheriff Appeal Court ”.

##### Commencement Information

**I5** Sch. 3 para. 5 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

6 (1) Section 177 (procedure where appellant in custody) is amended in accordance with this paragraph.

(2) In subsection (3)—

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- (a) for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”,
  - (b) for “judge” in each place where it occurs substitute “ Appeal Sheriff ”.
- (3) In each of subsections (3) and (4), for “High Court” substitute “ Sheriff Appeal Court ”.

**Commencement Information**  
**I6** Sch. 3 para. 6 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 7 In section 178(2) (stated case: preparation of draft), for “High Court” substitute “ Sheriff Appeal Court ”.

**Commencement Information**  
**I7** Sch. 3 para. 7 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 8 In section 179 (stated case: adjustment and signature), in each of subsections (8)(b) and (9), for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.

**Commencement Information**  
**I8** Sch. 3 para. 8 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 9 (1) Section 180 (leave to appeal against conviction etc.) is amended in accordance with this paragraph.
- (2) In subsection (1), for “a judge” substitute “ an Appeal Sheriff ”.
- (3) In each of subsections (1), (3), (4), (4A), (5), (8), (9) and (9A), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.
- (4) In each of subsections (2)(b) and (10), for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.
- (5) In each of subsections (9)(b) and (10), for “Crown Agent” substitute “ prosecutor ”.

**Commencement Information**  
**I9** Sch. 3 para. 9 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 10 (1) Section 181 (stated case: directions by court) is amended in accordance with this paragraph.
- (2) The title becomes “ **Stated case: directions by Sheriff Appeal Court** ”.
- (3) In subsection (1), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.

<sup>F1</sup>(4) .....

<sup>F1</sup>(5) .....

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(6) In subsection (2), for “Clerk of Justiciary” in each place where it occurs substitute “Clerk of the Sheriff Appeal Court”.

(7) In subsection (3)—

(a) for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”;

(b) for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.

<sup>F2</sup>(8) . . . . .

**Textual Amendments**

**F1** Sch. 3 para. 10(4)(5) repealed (17.1.2017) by Criminal Justice (Scotland) Act 2016 (asp 1), ss. 95(a), 117(2); S.S.I. 2016/426, art. 2, sch.

**F2** Sch. 3 para. 10(8) repealed (17.1.2017) by Criminal Justice (Scotland) Act 2016 (asp 1), ss. 95(a), 117(2); S.S.I. 2016/426, art. 2, sch.

**Commencement Information**

**I10** Sch. 3 para. 10(1)-(3) (6) (7) in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

11 (1) Section 182 (stated case: hearing of appeal) is amended in accordance with this paragraph.

(2) In each of subsections (1), (2), (3), (5) and (6) for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.

(3) In subsection (5)(b), for “a judge” substitute “an Appeal Sheriff”.

**Commencement Information**

**I11** Sch. 3 para. 11 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

12 In section 183 (stated case: disposal of appeal), in each of subsections (1), (3), (4), (6), (7), (9) and (10), for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.

**Commencement Information**

**I12** Sch. 3 para. 12 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

13 In section 184 (abandonment of appeal), in each of subsections (1) and (2), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.

**Commencement Information**

**I13** Sch. 3 para. 13 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

14 In section 185(10) (authorisation of new prosecution), for “High Court” substitute “Sheriff Appeal Court”.

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**Commencement Information**

**I14** Sch. 3 para. 14 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 15 (1) Section 186 (appeals against sentence only) is amended in accordance with this paragraph.
- (2) In each of subsections (4)(a), (9)(a) and (9)(b), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (3) In each of subsections (6) and (7), for “High Court” substitute “ Sheriff Appeal Court ”.

**Commencement Information**

**I15** Sch. 3 para. 15 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 16 (1) Section 187 (leave to appeal against sentence) is amended in accordance with this paragraph.
- (2) In subsection (1), for “a judge” substitute “ an Appeal Sheriff ”.
- (3) In each of subsections (1), (2), (3), (3A), (4), (7), (8) and (8A), for “High Court” substitute “ Sheriff Appeal Court ”.
- (4) In each of subsections (1)(a) and (9), for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.
- (5) In each of subsections (8)(b) and (9), for “Crown Agent” substitute “ prosecutor ”.

**Commencement Information**

**I16** Sch. 3 para. 16 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 17 (1) Section 188 (setting aside conviction or sentence) is amended in accordance with this paragraph.
- (2) In each of subsections (3)(a), (4) and (6), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.
- (3) In each of subsections (3)(b) and (4), for “Clerk of Justiciary” substitute “ Clerk of the Sheriff Appeal Court ”.
- (4) In subsection (4), for “judge” in each place where it occurs substitute “ Appeal Sheriff ”.

**Commencement Information**

**I17** Sch. 3 para. 17 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

- 18 In section 189 (disposal of appeal against sentence), in each of subsections (1), (3), (4), (6) and (7), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.

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**I18** Sch. 3 para. 18 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

19 In section 190(1) (disposal of appeal where appellant not criminally responsible), for “High Court” substitute “ Sheriff Appeal Court ”.

**Commencement Information**

**I19** Sch. 3 para. 19 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

20 In section 191 (appeal by suspension or advocation on ground of miscarriage of justice), in each of subsections (1) and (2), for “High Court” substitute “ Sheriff Appeal Court ”.

**Commencement Information**

**I20** Sch. 3 para. 20 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

21 In section 191A (time limit for lodging bills of advocation and bills of suspension), in each of subsections (1)(a), (1)(b) and (3), for “High Court” in each place where it occurs substitute “ Sheriff Appeal Court ”.

**Commencement Information**

**I21** Sch. 3 para. 21 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

PROSPECTIVE

<sup>F3</sup>22 .....

**Textual Amendments**

**F3** Sch. 3 para. 22 repealed (17.1.2017) by Criminal Justice (Scotland) Act 2016 (asp 1), ss. 95(b), 117(2); S.S.I. 2016/426, art. 2, sch.

23 In section 192(2) (appeals: miscellaneous provisions), for “High Court” substitute “ Sheriff Appeal Court ”.

**Commencement Information**

**I22** Sch. 3 para. 23 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

24 In section 193A (suspension of certain sentences pending determination of appeal), in each of subsections (1) and (2), for “High Court” substitute “ Sheriff Appeal Court ”.

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#### Commencement Information

**I23** Sch. 3 para. 24 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

PROSPECTIVE

F<sup>4</sup>25

#### Textual Amendments

**F4** Sch. 3 para. 25 repealed (17.1.2017) by Criminal Justice (Scotland) Act 2016 (asp 1), ss. 95(c), 117(2); S.S.I. 2016/426, art. 2, sch.

26 In section 307 (interpretation), after the definition of “Clerk of Justiciary” insert—  
 ““Clerk of the Sheriff Appeal Court” includes Deputy Clerk of the Sheriff Appeal Court and any person authorised to carry out the functions of Clerk of the Sheriff Appeal Court;”.

#### Commencement Information

**I24** Sch. 3 para. 26 in force at 22.9.2015 by S.S.I. 2015/247, art. 2, Sch. (with art. 6)

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