



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 5

#### APPEALS AND SCCRC

##### *Appeals*

#### **89 Extending certain time limits: summary**

- (1) Section 181 (stated case: directions by Sheriff Appeal Court) of the 1995 Act is amended as follows.
- (2) After subsection (1) there is inserted—
  - “(1A) Where an application for a direction under subsection (1)—
    - (a) is made by the person convicted, and
    - (b) relates to the requirements of section 176(1),the Sheriff Appeal Court may make a direction only if it is satisfied that doing so is justified by exceptional circumstances.
  - (1B) In considering whether there are exceptional circumstances for the purpose of subsection (1A), the Sheriff Appeal Court must have regard to—
    - (a) the length of time that has elapsed between the expiry of the period mentioned in section 176(1)(a) and the making of the application,
    - (b) the reasons stated in accordance with subsection (2A)(a)(i),
    - (c) the proposed grounds of appeal.”
- (3) Subsection (2C) is repealed.
- (4) In paragraph (a) of subsection (3), the words from “(unless” to the end are repealed.
- (5) At the end of the section there is inserted—
  - “(5) If the Sheriff Appeal Court makes a direction under subsection (1), it must—
    - (a) give reasons for the decision in writing, and
    - (b) give the reasons in ordinary language.”