



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 5

#### APPEALS AND SCCRC

##### *Appeals*

#### **90 Extending certain time limits: solemn**

(1) In section 105 (appeal against refusal of application) of the 1995 Act, after subsection (3) there is inserted—

“(3A) Subsection (3) does not entitle an applicant to be present at the hearing and determination of an application under section 111(2) unless the High Court has made a direction under section 111(4)(b).”.

(2) Section 111 (provisions supplementary to sections 109 and 110) of the 1995 Act is amended as follows.

(3) After subsection (2) there is inserted—

“(2ZA) Where an application under subsection (2) is received after the period to which it relates has expired, the High Court may extend the period only if it is satisfied that doing so is justified by exceptional circumstances.

(2ZB) In considering whether there are exceptional circumstances for the purpose of subsection (2ZA), the High Court must have regard to—

- (a) the length of time that has elapsed between the expiry of the period and the making of the application,
- (b) the reasons stated in accordance with subsection (2A)(a)(i),
- (c) the proposed grounds of appeal.”.

(4) In subsection (2A)—

- (a) the words “seeking extension of the period mentioned in section 109(1) of this Act” are repealed,
- (b) in paragraph (a)(i)—
  - (i) after “failed” there is inserted “, or expects to fail,”,

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**Changes to legislation:** Criminal Justice (Scotland) Act 2016, Section 90 is up to date with all changes known to be in force on or before 29 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) View outstanding changes

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- (ii) the words “in section 109(1)” are repealed.
- (5) Subsection (2C) is repealed.
- (6) At the end of the section there is inserted—
  - “(4) An application under subsection (2) is to be dealt with by the High Court—
    - (a) in chambers, and
    - (b) unless the Court directs otherwise, without the parties being present.
  - (5) If the High Court extends a period under subsection (2), it must—
    - (a) give reasons for the decision in writing, and
    - (b) give the reasons in ordinary language.”.

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**Commencement Information**

**II** S. 90 in force at 17.1.2017 by S.S.I. 2016/426, art. 2, sch.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38(7)(a) words renumbered as s. 38(7)(a) by [2024 asp 5 s. 15\(6\)\(a\)](#)
- s. 38(7)(b) and word inserted by [2024 asp 5 s. 15\(6\)\(b\)](#)
- s. 41(1A) inserted by [2024 asp 5 s. 15\(7\)\(b\)](#)