



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

APPEAL

Procedure prior to hearing

[^{F1}228 **Right of appeal.**

- (1) Any person convicted on indictment may appeal in accordance with the provisions of this Part of this Act, to the High Court—
- against such conviction;
 - against the sentence passed on such conviction; or
 - against both such conviction and such sentence:

Provided that there shall be no appeal against any sentence fixed by law.

- (2) By an appeal under subsection (1) of this section, a person may bring under review of the High Court any alleged miscarriage of justice in the proceedings in which he was convicted, including any alleged miscarriage of justice on the basis of the existence and significance of additional evidence which was not heard at the trial and which was not available and could not reasonably have been made available at the trial.]

Textual Amendments

- F1** S. 228 substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), Sch. 2 para. 1, **Sch. 6 para. 6**

Modifications etc. (not altering text)

- C1** S. 228 modified by [Criminal Justice \(Scotland\) Act 1987 \(c. 41, SIF 39:1\)](#), **ss. 2(2), 47(4)(a)**

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

Criminal Procedure (Scotland) Act 1975, Section 228 is up to date with all changes known to be in force on or before 25 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.