



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART VIII

#### APPEALS FROM SOLEMN PROCEEDINGS

#### **111 Provisions supplementary to sections 109 and 110.**

- (1) Where the last day of any period mentioned in sections 109(1) and 110(1) of this Act falls on a day on which the office of the Clerk of Justiciary is closed, such period shall extend to and include the next day on which such office is open.
  - (2) Any period mentioned in section 109(1) or 110(1)(a) of this Act may be extended at any time by the High Court in respect of any convicted person; and an application for such extension may be made under this subsection and shall be in as nearly as may be the form prescribed by Act of Adjournal.
- [<sup>F1</sup>(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.]
- [<sup>F2</sup>(2A) An application under subsection (2) <sup>F3</sup>... must—
- (a) state—
    - (i) the reasons why the applicant failed [<sup>F4</sup>, or expects to fail,] to comply with the time limit <sup>F5</sup>..., and
    - (ii) the proposed grounds of appeal, and
  - (b) be intimated in writing by the applicant to the Crown Agent.

*Status: Point in time view as at 17/01/2017.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 111 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)*

(2B) If the prosecutor so requests within 7 days of receipt of intimation of the application under subsection (2A)(b), the prosecutor must be given an opportunity to make representations before the application is determined.

<sup>F6</sup>(2C) . . . . .]

<sup>F7</sup>(3) . . . . .

[<sup>F8</sup>(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.]

#### Textual Amendments

- F1** S. 111(2ZA)(2ZB) inserted (17.1.2017) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), **ss. 90(3)**, 117(2); S.S.I. 2016/426, art. 2, sch.
- F2** S. 111(2A)-(2C) inserted (30.10.2010) by [Criminal Procedure \(Legal Assistance, Detention and Appeals\) \(Scotland\) Act 2010 \(asp 15\)](#), **ss. 5(2)**, 9 (with s. 5(4))
- F3** Words in s. 111(2A) repealed (17.1.2017) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), **ss. 90(4)(a)**, 117(2); S.S.I. 2016/426, art. 2, sch.
- F4** Words in s. 111(2A)(a)(i) inserted (17.1.2017) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), **ss. 90(4)(b)(i)**, 117(2); S.S.I. 2016/426, art. 2, sch.
- F5** Words in s. 111(2A)(a)(i) repealed (17.1.2017) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), **ss. 90(4)(b)(ii)**, 117(2); S.S.I. 2016/426, art. 2, sch.
- F6** S. 111(2C) repealed (17.1.2017) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), **ss. 90(5)**, 117(2); S.S.I. 2016/426, art. 2, sch.
- F7** S. 111(3) repealed (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), s. 101(2), **sch. 4 para. 16** (with ss. 90, 99); S.S.I. 2011/157, art. 2(a) (with art. 5(1))
- F8** S. 111(4)(5) inserted (17.1.2017) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), **ss. 90(6)**, 117(2); S.S.I. 2016/426, art. 2, sch.

**Status:**

Point in time view as at 17/01/2017.

**Changes to legislation:**

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