



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART X

#### APPEALS FROM SUMMARY PROCEEDINGS

##### *Disposal of appeals*

#### **190 Disposal of appeal where appellant [<sup>F1</sup>not criminally responsible].**

- (1) In relation to any appeal under section 175(2) of this Act, the [<sup>F2</sup>Sheriff Appeal Court] shall, where it appears to it that the appellant committed the act charged against him but that he was [<sup>F3</sup>not, because of section 51A of this Act, criminally responsible for it], dispose of the appeal by—
- (a) setting aside the verdict of the inferior court and substituting therefor a verdict of acquittal [<sup>F4</sup>by reason of the special defence set out in section 51A of this Act]; and
  - (b) quashing any sentence imposed on the appellant as respects the complaint and—
    - (i) making, in respect of the appellant, any order mentioned in section 57(2)(a) to (d) of this Act; or
    - (ii) making no order.
- (2) [<sup>F5</sup>Subsections (3) to (6)] of section 57 of this Act shall apply to an order made under subsection (1)(b)(i) above as it applies to an order made under subsection (2) of that section.

#### **Textual Amendments**

- F1** Words in s. 190 heading substituted (with application in accordance with art. 3 of the commencing S.S.I.) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\), s. 206\(1\), sch. 7 para. 57](#); [S.S.I. 2012/160, art. 3, sch.](#)
- F2** Words in s. 190(1) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), s. 138\(2\), sch. 3 para. 19](#); [S.S.I. 2015/247, art. 2, sch.](#) (with art. 6)

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*Status: Point in time view as at 01/12/2020.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 190 is up to date with all changes known to be in force on or before 15 September 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)*

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- F3** Words in s. 190(1) substituted (with application in accordance with art. 3 of the commencing S.S.I.) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **sch. 7 para. 58(a)**; S.S.I. 2012/160, art. 3, sch.
- F4** Words in s. 190(1) substituted (with application in accordance with art. 3 of the commencing S.S.I.) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **sch. 7 para. 58(b)**; S.S.I. 2012/160, art. 3, sch.
- F5** Words in s. 190(2) substituted (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), ss. 331(1), 333(2)-(4), **Sch. 4 para. 8(12)**; S.S.I. 2005/161, **art. 3**

**Status:**

Point in time view as at 01/12/2020.

**Changes to legislation:**

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