
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO PROCEDURE, APPEALS, ETC.

PART II

SCOTLAND

- 9 (1) Where a person is sentenced to death on being convicted of murder after a previous conviction of murder, and afterwards the previous conviction is set aside on appeal, he may thereupon (or at any time not later than ten days thereafter) apply to the High Court of Justiciary to set aside the sentence of death on the ground that it is no longer warranted in law having regard to the decision on the appeal; and the court if satisfied that the sentence is no longer warranted in law shall set it aside and pass the appropriate sentence in substitution for it.
- (2) Where a person is sentenced to death as aforesaid, then (unless he is so sentenced on being convicted of capital murder) the sentence shall not in any case be executed so long as the previous conviction can be set aside on appeal.
- (3) No application to extend the time for giving notice of appeal or of an application for leave to appeal against a person's conviction of murder shall be entertained if he has been sentenced to death on a later conviction of murder and the time for giving notice of appeal against the later conviction has expired.