



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

#### *Disclosure after conclusion of proceedings at first instance*

#### **132 Sections 133 to 140: interpretation**

In sections 133 to 140—

“appellant”, in relation to appellate proceedings, includes a person authorised by an order under section 303A(4) of the 1995 Act to institute or continue the proceedings,

“appellate proceedings” means—

- (a) an appeal under section 106(1)(a) or (f) of the 1995 Act which brings under review an alleged miscarriage of justice,
- (b) an appeal under paragraph (b), (ba), (bb), (c), (d), (db) or (dc) of subsection (1) of section 106 of the 1995 Act which brings under review in accordance with subsection (3)(a) of that section an alleged miscarriage of justice,
- (c) an appeal under section 175(2)(a) or (d) of the 1995 Act which brings under review an alleged miscarriage of justice,
- (d) an appeal under paragraph (b), (c) or (cb) of subsection (2) of section 175 of the 1995 Act which brings under review an alleged miscarriage of justice which is based on the type of miscarriage described in subsection (5) of that section,
- (e) an appeal to the Supreme Court against a determination by the High Court of Justiciary of a devolution issue,
- (ea) [<sup>F1</sup>an appeal to the Supreme Court against a determination by the High Court of Justiciary of a compatibility issue (within the meaning of section 288ZA of the Criminal Procedure (Scotland) Act 1995),]

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 132. (See end of Document for details)

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- (f) an appeal against conviction by bill of suspension under section 191(1) of the 1995 Act,
- (g) an appeal against conviction by bill of advocacy,
- (h) a petition to the *nobile officium* in respect of a matter arising out of criminal proceedings which brings under review an alleged miscarriage of justice which is based on the existence and significance of new evidence,
- (i) an appeal under section 62(1)(b) of the 1995 Act against a finding under section 55(2) of that Act,
- (j) the referral to the High Court of Justiciary under section 194B of the 1995 Act of—
  - (i) a conviction, or
  - (ii) a finding under section 55(2) of that Act.

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#### Textual Amendments

- F1** Words in s. 132 inserted (22.4.2013) by [The Scotland Act 2012 \(Consequential Provisions\) Order 2013 \(S.I. 2013/728\)](#), arts. 1, 3
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#### Commencement Information

- I1** S. 132 in force at 6.6.2011 by [S.S.I. 2011/178](#), art. 2, [Sch.](#) (with [Sch.](#) )

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 132.