



Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010

2010 asp 15

Appeals

5 Extension of time for late appeals: right to make representations

- (1) The 1995 Act is amended as follows.
- (2) In section 111 (supplementary provision about appeals in solemn cases), after subsection (2) insert—
 - “(2A) An application under subsection (2) seeking extension of the period mentioned in section 109(1) of this Act must—
 - (a) state—
 - (i) the reasons why the applicant failed to comply with the time limit in section 109(1), and
 - (ii) the proposed grounds of appeal, and
 - (b) be intimated in writing by the applicant to the Crown Agent.
 - (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.
 - (2C) Any representations may be made in writing or, if the prosecutor so requests, orally at a hearing; and if a hearing is fixed, the applicant must also be given an opportunity to be heard.”
- (3) In section 181 (extension of time for appeals in summary cases)—
 - (a) after subsection (2) insert—
 - “(2A) An application for a direction under subsection (1) in relation to the requirements of section 176(1) of this Act must—
 - (a) state—

Changes to legislation: *There are currently no known outstanding effects for the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010, Section 5. (See end of Document for details)*

- (i) the reasons why the applicant failed to comply with the requirements of section 176(1), and
 - (ii) the proposed grounds of appeal, and
 - (b) be intimated in writing by the applicant to the respondent or the respondent's solicitor.
 - (2B) If the respondent so requests within 7 days of receipt of intimation of the application under subsection (2A)(b), the respondent must be given an opportunity to make representations before the application is determined.
 - (2C) Any representations may be made in writing or, if the respondent so requests, orally at a hearing; and if a hearing is fixed, the applicant must also be given an opportunity to be heard.”, and
 - (b) in subsection (3)(a), after “hearing” insert “ (unless the respondent has requested a hearing under subsection (2C)) ”.
- (4) The amendments made by this section have effect in relation to any application made under section 111(2) or, as the case may be, 181(1) of the 1995 Act on or after the day on which this Act comes into force.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010, Section 5.