

SCHEDULE 3

(introduced by section 118(3))

TRANSFER OF SUMMARY CRIMINAL APPEAL JURISDICTION TO THE SHERIFF APPEAL COURT

- 1 The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- 2 (1) Section 173 (quorum of court in relation to appeals) is amended in accordance with this paragraph.
- (2) The title becomes “**Quorum of Sheriff Appeal Court in relation to appeals**”.
- (3) In each of subsections (1) and (2)—
 - (a) for “High Court” substitute “Sheriff Appeal Court”,
 - (b) for “judge” in each place where it occurs substitute “Appeal Sheriff”,
 - (c) for “Lords Commissioners of Justiciary” in each place where it occurs substitute “Appeal Sheriffs”.
- 3 In section 174 (appeals relating to preliminary pleas), in each of subsections (1), (2) and (4), for “High Court” substitute “Sheriff Appeal Court”.
- 4 In section 175 (right of appeal), in each of subsections (2), (3), (4), (5) and (5E), for “High Court” substitute “Sheriff Appeal Court”.
- 5 In section 176(4) (stated case: manner and time of appeal), for “High Court” substitute “Sheriff Appeal Court”.
- 6 (1) Section 177 (procedure where appellant in custody) is amended in accordance with this paragraph.
- (2) In subsection (3)—
 - (a) for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”,
 - (b) for “judge” in each place where it occurs substitute “Appeal Sheriff”.
- (3) In each of subsections (3) and (4), for “High Court” substitute “Sheriff Appeal Court”.
- 7 In section 178(2) (stated case: preparation of draft), for “High Court” substitute “Sheriff Appeal Court”.
- 8 In section 179 (stated case: adjustment and signature), in each of subsections (8)(b) and (9), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- 9 (1) Section 180 (leave to appeal against conviction etc.) is amended in accordance with this paragraph.
- (2) In subsection (1), for “a judge” substitute “an Appeal Sheriff”.
- (3) In each of subsections (1), (3), (4), (4A), (5), (8), (9) and (9A), for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.
- (4) In each of subsections (2)(b) and (10), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (5) In each of subsections (9)(b) and (10), for “Crown Agent” substitute “prosecutor”.
- 10 (1) Section 181 (stated case: directions by court) is amended in accordance with this paragraph.

Status: This is the original version (as it was originally enacted).

- (2) The title becomes “**Stated case: directions by Sheriff Appeal Court**”.
- (3) In subsection (1), for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.
- (4) In subsection (1A), for “High Court” substitute “Sheriff Appeal Court”.
- (5) In subsection (1B), for “High Court” substitute “Sheriff Appeal Court”.
- (6) In subsection (2), for “Clerk of Justiciary” in each place where it occurs substitute “Clerk of the Sheriff Appeal Court”.
- (7) In subsection (3)—
 - (a) for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”,
 - (b) for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (8) In subsection (5), for “High Court” substitute “Sheriff Appeal Court”.
- 11 (1) Section 182 (stated case: hearing of appeal) is amended in accordance with this paragraph.
- (2) In each of subsections (1), (2), (3), (5) and (6) for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.
- (3) In subsection (5)(b), for “a judge” substitute “an Appeal Sheriff”.
- 12 In section 183 (stated case: disposal of appeal), in each of subsections (1), (3), (4), (6), (7), (9) and (10), for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.
- 13 In section 184 (abandonment of appeal), in each of subsections (1) and (2), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- 14 In section 185(10) (authorisation of new prosecution), for “High Court” substitute “Sheriff Appeal Court”.
- 15 (1) Section 186 (appeals against sentence only) is amended in accordance with this paragraph.
- (2) In each of subsections (4)(a), (9)(a) and (9)(b), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (3) In each of subsections (6) and (7), for “High Court” substitute “Sheriff Appeal Court”.
- 16 (1) Section 187 (leave to appeal against sentence) is amended in accordance with this paragraph.
- (2) In subsection (1), for “a judge” substitute “an Appeal Sheriff”.
- (3) In each of subsections (1), (2), (3), (3A), (4), (7), (8) and (8A), for “High Court” substitute “Sheriff Appeal Court”.
- (4) In each of subsections (1)(a) and (9), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (5) In each of subsections (8)(b) and (9), for “Crown Agent” substitute “prosecutor”.

- 17 (1) Section 188 (setting aside conviction or sentence) is amended in accordance with this paragraph.
- (2) In each of subsections (3)(a), (4) and (6), for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.
- (3) In each of subsections (3)(b) and (4), for “Clerk of Justiciary” substitute “Clerk of the Sheriff Appeal Court”.
- (4) In subsection (4), for “judge” in each place where it occurs substitute “Appeal Sheriff”.
- 18 In section 189 (disposal of appeal against sentence), in each of subsections (1), (3), (4), (6) and (7), for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.
- 19 In section 190(1) (disposal of appeal where appellant not criminally responsible), for “High Court” substitute “Sheriff Appeal Court”.
- 20 In section 191 (appeal by suspension or advocation on ground of miscarriage of justice), in each of subsections (1) and (2), for “High Court” substitute “Sheriff Appeal Court”.
- 21 In section 191A (time limit for lodging bills of advocation and bills of suspension), in each of subsections (1)(a), (1)(b) and (3), for “High Court” in each place where it occurs substitute “Sheriff Appeal Court”.
- 22 In section 191B (bill of advocation not competent in respect of certain decisions), for “High Court” substitute “Sheriff Appeal Court”.
- 23 In section 192(2) (appeals: miscellaneous provisions), for “High Court” substitute “Sheriff Appeal Court”.
- 24 In section 193A (suspension of certain sentences pending determination of appeal), in each of subsections (1) and (2), for “High Court” substitute “Sheriff Appeal Court”.
- 25 Section 194ZA (finality of proceedings) is repealed.
- 26 In section 307 (interpretation), after the definition of “Clerk of Justiciary” insert—
““Clerk of the Sheriff Appeal Court” includes Deputy Clerk of the Sheriff Appeal Court and any person authorised to carry out the functions of Clerk of the Sheriff Appeal Court;”.