



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VIII

APPEALS FROM SOLEMN PROCEEDINGS

[^{F1}107F Other appeals under section 107A or 107B: appeal against directions etc.

- (1) This section applies where—
 - (a) an appeal brought under section 107A or 107B is not an expedited appeal, and
 - (b) the appeal is not against an acquittal.
- (2) The court of first instance must desert the diet *pro loco et tempore* in relation to any offence to which the appeal relates.
- (3) The trial is to proceed only if another offence of which the accused has not been acquitted and to which the appeal does not relate is libelled in the indictment.
- (4) However, if the prosecutor moves for the diet to be deserted *pro loco et tempore* in relation to such other offence, the court must grant the motion.
- (5) If the prosecutor seeks leave to bring a new prosecution charging the accused with the same offence as that libelled in the indictment, or a similar offence arising out of the same facts as the offence libelled in the indictment, the High Court must grant the prosecutor authority to do so in accordance with section 119, unless the court considers that it would be contrary to the interests of justice to do so.]

Textual Amendments

- F1** Ss. 107A-107F inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 74, 206(1); S.S.I. 2011/178, art. 2, sch.

Status:

Point in time view as at 16/08/2013.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 107F is up to date with all changes known to be in force on or before 10 April 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.