



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VIII

APPEALS FROM SOLEMN PROCEEDINGS

125 Reckoning of time spent pending appeal.

- (1) Subject to subsection (2) below, where a convicted person is admitted to bail under section 112 of this Act, the period beginning with the date of his admission to bail and ending on the date of his readmission to prison in consequence of the determination or abandonment of—
 - (a) his appeal; or, as the case may be,
 - (b) any relevant appeal by the Lord Advocate under section 108 [^{F1}or 108A] of this Act,shall not be reckoned as part of any term of imprisonment under his sentence.
- (2) The time, including any period consequent on the recall of bail, during which an appellant is in custody pending the determination of his appeal or, as the case may be, of any relevant appeal by the Lord Advocate under section 108 [^{F2}or 108A] of this Act shall, subject to any direction which the High Court may give to the contrary, be reckoned as part of any term of imprisonment under his sentence.
- (3) Subject to any direction which the High Court may give to the contrary, imprisonment of an appellant or, where the appellant is the Lord Advocate, of a convicted person—
 - (a) who is in custody in consequence of the conviction or sentence appealed against, shall be deemed to run as from the date on which the sentence was passed;
 - (b) who is in custody other than in consequence of such conviction or sentence, shall be deemed to run or to be resumed as from the date on which his appeal was determined or abandoned;
 - (c) who is not in custody, shall be deemed to run or to be resumed as from the date on which he is received into prison under the sentence.

Status: Point in time view as at 20/10/1997.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 125 is up to date with all changes known to be in force on or before 04 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. (See end of Document for details)

- (4) In this section references to a prison and imprisonment shall include respectively references to a young offenders institution or place of safety or, as respects a child sentenced to be detained under section 208 of this Act, the place directed by the Secretary of State and to detention in such institution, centre or place of safety, or, as respects such a child, place directed by the Secretary of State and any reference to a sentence shall be construed as a reference to a sentence passed by the court imposing sentence or by the High Court on appeal as the case may require.

Textual Amendments

- F1** Words in s. 125(1)(b) inserted (20.10.1997) by 1997 c. 48 , s. 18(7)(a) ; S.I. 1997/2323 , art. 3 , Sch. 1
F2 Words in s. 125(2) inserted (20.10.1997) by 1997 c. 48 , s. 18(7)(b) ; S.I. 1997/2323 , art. 3 , Sch. 1

Status:

Point in time view as at 20/10/1997.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 125 is up to date with all changes known to be in force on or before 04 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.