



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART X

#### APPEALS FROM SUMMARY PROCEEDINGS

##### *General*

#### 173 [<sup>F1</sup>Quorum of Sheriff Appeal Court in relation to appeals.]

- (1) For the purpose of hearing and determining any appeal under this Part of this Act, or any proceeding connected therewith, three of the [<sup>F2</sup>Appeal Sheriffs] shall be a quorum of the [<sup>F3</sup>Sheriff Appeal Court], and the determination of any question under this Part of this Act by the court shall be according to the votes of the majority of the members of the court sitting, including the presiding [<sup>F4</sup>Appeal Sheriff], and each [<sup>F4</sup>Appeal Sheriff] so sitting shall be entitled to pronounce a separate opinion.
- (2) For the purpose of hearing and determining appeals under section [<sup>F5</sup>175(2)(b), (c) or (cza)]<sup>F6</sup>... of this Act, or any proceeding connected therewith, two of the [<sup>F7</sup>Appeal Sheriffs] shall be a quorum of the [<sup>F8</sup>Sheriff Appeal Court], and each [<sup>F9</sup>Appeal Sheriff] shall be entitled to pronounce a separate opinion; but where the two [<sup>F7</sup>Appeal Sheriffs] are unable to reach agreement on the disposal of the appeal, or where they consider it appropriate, the appeal shall be heard and determined in accordance with subsection (1) above.

#### Textual Amendments

- F1** S. 173 title substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 2\(2\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F2** Words in s. 173(1) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 2\(3\)\(c\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F3** Words in s. 173(1) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 2\(3\)\(a\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F4** Words in s. 173(1) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 2\(3\)\(b\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)

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*Status: Point in time view as at 22/09/2015.*

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 173 is up to date with all changes known to be in force on or before 09 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)*

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- F5** Words in s. 173(2) substituted (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. 14(2), 206(1), [Sch. 2 para. 11](#); S.S.I. 2010/413, [art. 2](#), Sch. (with art. 3)
- F6** Words in s. 173(2) repealed (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), s. 101(2), [sch. 4 para. 20](#) (with ss. 90, 99); S.S.I. 2011/157, art. 2(a) (with art. 5(1))
- F7** Words in s. 173(2) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 2\(3\)\(c\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F8** Words in s. 173(2) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 2\(3\)\(a\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F9** Words in s. 173(2) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 2\(3\)\(b\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)

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