



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART X

APPEALS FROM SUMMARY PROCEEDINGS

Stated case

182 Stated case: hearing of appeal.

- (1) A stated case under this Part of this Act shall be heard by the [^{F1}Sheriff Appeal Court] on such date as it may fix.
- (2) For the avoidance of doubt, where an appellant, in his application under section 176(1) of this Act (or in a duly made amendment or addition to that application), refers to an alleged miscarriage of justice, but in stating a case under section 179(7) of this Act the inferior court is unable to take the allegation into account, the [^{F2}Sheriff Appeal Court] may nevertheless have regard to the allegation at a hearing under subsection (1) above.
- (3) Except by leave of the [^{F3}Sheriff Appeal Court] on cause shown, it shall not be competent for an appellant to found any aspect of his appeal on a matter not contained in his application under section 176(1) of this Act (or in a duly made amendment or addition to that application).
- (4) Subsection (3) above shall not apply as respects any ground of appeal specified as an arguable ground of appeal by virtue of subsection (7) of section 180 of this Act.
- (5) Without prejudice to any existing power of the [^{F4}Sheriff Appeal Court], that court may in hearing a stated case—
 - (a) order the production of any document or other thing connected with the proceedings;
 - (b) hear any ^{F5}... evidence relevant to any alleged miscarriage of justice or order such evidence to be heard by [^{F6}an Appeal Sheriff] at the [^{F4}Sheriff Appeal Court] or by such other person as it may appoint for that purpose;

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 182 is up to date with all changes known to be in force on or before 16 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) View outstanding changes

- (c) take account of any circumstances relevant to the case which were not before the trial judge;
 - (d) remit to any fit person to enquire and report in regard to any matter or circumstance affecting the appeal;
 - (e) appoint a person with expert knowledge to act as assessor to the [F4Sheriff Appeal Court] in any case where it appears to the court that such expert knowledge is required for the proper determination of the case;
 - (f) take account of any matter proposed in any adjustment rejected by the trial judge and of the reasons for such rejection;
 - (g) take account of any evidence contained in a note of evidence such as is mentioned in section 179(7) of this Act.
- (6) The [F7Sheriff Appeal Court] may at the hearing remit the stated case back to the inferior court to be amended and returned.

Textual Amendments

- F1** Words in s. 182(1) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), s. 138\(2\), sch. 3 para. 11\(2\)](#); [S.S.I. 2015/247, art. 2, sch.](#) (with art. 6)
- F2** Words in s. 182(2) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), s. 138\(2\), sch. 3 para. 11\(2\)](#); [S.S.I. 2015/247, art. 2, sch.](#) (with art. 6)
- F3** Words in s. 182(3) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), s. 138\(2\), sch. 3 para. 11\(2\)](#); [S.S.I. 2015/247, art. 2, sch.](#) (with art. 6)
- F4** Words in s. 182(5) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), s. 138\(2\), sch. 3 para. 11\(2\)](#); [S.S.I. 2015/247, art. 2, sch.](#) (with art. 6)
- F5** Word in s. 182(5)(b) repealed (1.8.1997) by [1997 c. 48, s. 62\(1\)\(2\), Sch. 1 para. 21\(21\), Sch. 3](#); [S.I. 1997/1712, art. 3, Sch.](#) (subject to arts. 4 and 5)
- F6** Words in s. 182(5)(b) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), s. 138\(2\), sch. 3 para. 11\(3\)](#); [S.S.I. 2015/247, art. 2, sch.](#) (with art. 6)
- F7** Words in s. 182(6) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), s. 138\(2\), sch. 3 para. 11\(2\)](#); [S.S.I. 2015/247, art. 2, sch.](#) (with art. 6)

Modifications etc. (not altering text)

- C1** S. 182 applied (1.7.2013) by [The Construction Products Regulations 2013 \(S.I. 2013/1387\), regs. 1, 9\(9\)](#)
- C2** S. 182(5)(a)-(e) applied (1.4.1996) by [1984 c. 12, s. 81\(8\)](#) (as substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\), Sch. 4 para. 48\(3\)](#))
S. 182(5)(a)-(e) applied (1.7.1997) by [S.I. 1997/831, reg. 19\(1\)-\(4\), Sch. 15 para. 5\(8\)](#)
S. 182(5)(a)-(e) applied (3.7.2001) by [S.I. 2001/1701, reg. 17, Sch. 13 para. 14\(8\)](#)
S. 182(5)(a)-(e) applied (20.11.2002) by [Copyright, Designs and Patents Act 1988 \(c. 48\), ss. 114B\(10\), 204B\(10\), 297D\(10\)](#) (as inserted by [Copyright, etc. and Trade Marks \(Offences and Enforcement\) Act 2002 \(c. 25\), ss. 3, 4, 5](#); [S.I. 2002/2749, art. 2](#))
S. 182(5)(a)-(e) applied (7.3.2005) by [The Electromagnetic Compatibility Regulations 2005 \(S.I. 2005/281\), reg. 98\(8\)](#)
- C3** S. 182(5)(a)-(e) applied (8.4.2000) by [S.I. 2000/730, reg. 18, Sch. 9 para. 4\(8\)](#) (which amendment was superseded by [S.I. 2003/3144, reg. 2\(10\)](#))
S. 182(5)(a)-(e) applied (29.12.2003) by [S.I. 2000/730, Sch. 9 para. 22\(8\)](#) (as substituted (29.12.2003) by [S.I. 2003/3144, reg. 2\(10\)](#))
S. 182(5)(a)-(e) applied (20.7.2007) by [The Electromagnetic Compatibility Regulations 2006 \(S.I. 2006/3418\), reg. 59\(8\)](#) (with savings in [regs. 7-14, 63, 64](#))
- C4** S. 182(5)(a)-(e) applied (1.12.2008) by [The REACH Enforcement Regulations 2008 \(S.I. 2008/2852\), reg. 9\(1\), Sch. 6 Pt. 3 para. 36](#) (with [reg. 19](#))

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 182 is up to date with all changes known to be in force on or before 16 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) View outstanding changes*

- C5** S. 182(5)(a)-(e) applied by 1949 c. 88, s. 35ZD(10) (as inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\), ss. 13, 24\(1\)](#); [S.I. 2014/2330, art. 3, Sch.](#))
- C6** S. 182(5)(a)-(e) applied (1.12.2008) by [The REACH Enforcement Regulations 2008 \(S.I. 2008/2852\), reg. 9\(1\), Sch. 6 Pt. 3 para. 36](#) (with [reg. 19](#))
- C7** S. 182(5)(a)-(e) applied (1.12.2008) by [The REACH Enforcement Regulations 2008 \(S.I. 2008/2852\), reg. 9\(1\), Sch. 6 Pt. 3 para. 36](#) (with [reg. 19](#))
- C8** S. 182(5)(a)-(e) applied (1.12.2008) by [The REACH Enforcement Regulations 2008 \(S.I. 2008/2852\), reg. 9\(1\), Sch. 6 Pt. 3 para. 36](#) (with [reg. 19](#))
- C9** S. 182(5)(a)-(e) applied (1.12.2008) by [The REACH Enforcement Regulations 2008 \(S.I. 2008/2852\), reg. 9\(1\), Sch. 6 Pt. 3 para. 36](#) (with [reg. 19](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)