



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART X

APPEALS FROM SUMMARY PROCEEDINGS

Stated case

183 Stated case: disposal of appeal.

- (1) The [^{F1}Sheriff Appeal Court] may, subject to subsection (3) below and to section 190(1) of this Act, dispose of a stated case by—
- remitting the cause to the inferior court with its opinion and any direction thereon;
 - affirming the verdict of the inferior court;
 - setting aside the verdict of the inferior court and either quashing the conviction or, subject to subsection (2) below, substituting therefor an amended verdict of guilty; or
 - setting aside the verdict of the inferior court and granting authority to bring a new prosecution in accordance with section 185 of this Act.

[^{F2}(1A) Where an appeal against conviction is by virtue of section 11(7) of the Double Jeopardy (Scotland) Act 2011 (asp 16), paragraphs (a) and (d) of subsection (1) do not apply.]

- (2) An amended verdict of guilty substituted under subsection (1)(c) above must be one which could have been returned on the complaint before the inferior court.
- (3) The [^{F3}Sheriff Appeal Court] shall, in an appeal—
- against both conviction and sentence, subject to section 190(1) of this Act, dispose of the appeal against sentence; or
 - by the prosecutor, against sentence, dispose of the appeal, by exercise of the power mentioned in section 189(1) of this Act.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 183 is up to date with all changes known to be in force on or before 15 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

- (4) In setting aside, under subsection (1) above, a verdict the [^{F4}Sheriff Appeal Court] may quash any sentence imposed on the appellant as respects the complaint, and—
- (a) in a case where it substitutes an amended verdict of guilty, whether or not the sentence related to the verdict set aside; or
 - (b) in any other case, where the sentence did not so relate,
- may pass another (but not more severe) sentence in substitution for the sentence so quashed.
- (5) For the purposes of subsections (3) and (4) above, “sentence” shall be construed as including disposal or order.
- (6) Where an appeal against acquittal is sustained, the [^{F5}Sheriff Appeal Court] may—
- (a) convict and, subject to subsection (7) below, sentence the respondent;
 - (b) remit the case to the inferior court with instructions to convict and sentence the respondent, who shall be bound to attend any diet fixed by the court for such purpose; or
 - (c) remit the case to the inferior court with their opinion thereon.
- (7) Where the [^{F6}Sheriff Appeal Court] sentences the respondent under subsection (6)(a) above it shall not in any case impose a sentence beyond the maximum sentence which could have been passed by the inferior court.
- (8) Any reference in subsection (6) above to convicting and sentencing shall be construed as including a reference to—
- (a) convicting and making some other disposal; or
 - (b) convicting and deferring sentence.
- (9) The [^{F7}Sheriff Appeal Court] shall have power in an appeal under this Part of this Act to award such expenses both in the [^{F7}Sheriff Appeal Court] and in the inferior court as it may think fit.
- (10) Where, following an appeal, other than an appeal under section 175(2)(b) or (3) of this Act, the appellant remains liable to imprisonment or detention under the sentence of the inferior court, or is so liable under a sentence passed in the appeal proceedings the [^{F8}Sheriff Appeal Court] shall have the power where at the time of disposal of the appeal the appellant—
- (a) was at liberty on bail, to grant warrant to apprehend and imprison or detain the appellant for a term, to run from the date of such apprehension, not longer than that part of the term or terms of imprisonment or detention specified in the sentence brought under review which remained unexpired at the date of liberation;
 - (b) is serving a term or terms of imprisonment or detention imposed in relation to a conviction subsequent to the conviction appealed against, to exercise the like powers in regard to him as may be exercised, in relation to an appeal which has been abandoned, by a court of summary jurisdiction in pursuance of section 177(6) of this Act.

Textual Amendments

- F1** Words in s. 183(1) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 12](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 183 is up to date with all changes known to be in force on or before 15 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*

- F2** S. 183(1A) inserted (28.11.2011) by [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\)](#), s. 17(3), **sch. para. 16**; S.S.I. 2011/365, art. 3
- F3** Words in s. 183(3) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 3 para. 12**; S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F4** Words in s. 183(4) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 3 para. 12**; S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F5** Words in s. 183(6) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 3 para. 12**; S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F6** Words in s. 183(7) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 3 para. 12**; S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F7** Words in s. 183(9) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 3 para. 12**; S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F8** Words in s. 183(10) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **sch. 3 para. 12**; S.S.I. 2015/247, art. 2, sch. (with art. 6)

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 183 is up to date with all changes known to be in force on or before 15 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.

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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.)