



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART X

#### APPEALS FROM SUMMARY PROCEEDINGS

##### *Miscellaneous*

#### **[<sup>F1</sup>193A Suspension of certain sentences pending determination of appeal.**

- (1) Where a convicted person or the prosecutor appeals to the High Court under section 175 of this Act <sup>F2</sup>... , the court may on the application of the appellant direct that the whole, or any remaining part, of a relevant sentence shall be suspended until the appeal, if it is proceeded with, is determined.
- (2) Where the court has directed the suspension of the whole or any remaining part of a person's relevant sentence, the person shall, unless the High Court otherwise directs, appear personally in court on the day or days fixed for the hearing of the appeal.
- (3) Where a person fails to appear personally in court as mentioned in subsection (2) above, the court may—
  - (a) if he is the appellant—
    - (i) decline to consider the appeal; and
    - (ii) dismiss it summarily; or
  - (b) whether or not he is the appellant—
    - (i) consider and determine the appeal; or
    - (ii) make such other order as the court thinks fit.
- (4) In this section “ relevant sentence ” means any one or more of the following—
  - [<sup>F3</sup>(aa) a community payback order;]
  - (d) a restriction of liberty order.
  - (e) <sup>F4</sup> .....

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*Status: Point in time view as at 28/02/2011. This version of this provision has been superseded.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 193A is up to date with all changes known to be in force on or before 20 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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#### **Textual Amendments**

- F1** S. 193A inserted (1.8.1997 except s. 193A(4)(d) which is in force on 1.7.1998) by 1997 c. 48, **s. 24(2)**; S.I. 1997/1712, **art. 3**, **Sch.** (subject to **arts. 4, 5**); S.I. 1997/2323, **art. 5(1)**
- F2** Words in s. 193A(1) repealed (28.2.2011) by Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14), s. 101(2), **sch. 4 para. 26** (with ss. 90, 99); S.S.I. 2011/157, **art. 2(a)** (with **art. 5(1)**)
- F3** S. 193A(4)(aa) substituted (1.2.2011) for s. 193A(4)(a)-(c) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206(1), **Sch. 2 para. 16(a)**; S.S.I. 2010/413, **art. 2**, **Sch.** (with **art. 3**)
- F4** S. 193A(4)(e) repealed (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206(1), **Sch. 2 para. 16(b)**; S.S.I. 2010/413, **art. 2**, **Sch.** (with **art. 3**)

**Status:**

Point in time view as at 28/02/2011. This version of this provision has been superseded.

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 193A is up to date with all changes known to be in force on or before 20 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.