



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XIII

MISCELLANEOUS

[^{F1}Convention rights and EU law compatibility issues, and devolution issues]

^{F3}[^{F1}288B^{F2} Appeals to the Supreme Court: general].

- (1) This section applies where the [^{F4}Supreme Court] determines an appeal under [^{F5}section 288AA of this Act or] paragraph 13(a) of Schedule 6 to the Scotland Act 1998 against a determination ^{F6}... by the High Court in the ordinary course of proceedings.
- (2) The determination of the appeal shall not affect any earlier acquittal or earlier quashing of any conviction in the proceedings.
- (3) Subject to subsection (2) above, the High Court shall have the same powers in relation to the proceedings when remitted to it by the [^{F7}Supreme Court] as it would have if it were considering the proceedings otherwise than as a trial court.]

Textual Amendments

- F1** Ss. 288A, 288B and cross-heading inserted (20.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 32(2)** (with s. 126(3)-(11)); S.I. 1998/3178, art. 2(2), **Sch. 4**
- F2** S. 288B heading substituted (22.4.2013) by Scotland Act 2012 (c. 11), **ss. 36(8)**, 44(5); S.I. 2013/6, art. 2(c)
- F3** Ss. 288A-288B and preceding cross-heading inserted (20.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 32(2)** (with s. 126(3)-(11)); S.I. 1998/3178, art. 2(2), **Sch. 4**
- F4** Words in s. 288B(1) and in sidenote substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40, 148, **Sch. 9 para. 86(a)**; S.I. 2009/1604, **art. 2(d)**
- F5** Words in s. 288B(1) inserted (22.4.2013) by Scotland Act 2012 (c. 11), **ss. 36(9)(a)**, 44(5); S.I. 2013/6, art. 2(c)

Status: Point in time view as at 16/08/2013.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 288B is up to date with all changes known to be in force on or before 05 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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| <p>F6 Words in s. 288B(1) omitted (22.4.2013) by virtue of Scotland Act 2012 (c. 11), ss. 36(9)(b), 44(5); S.I. 2013/6, art. 2(c)</p> <p>F7 Words in s. 288B(3) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40, 148, Sch. 9 para. 86(b); S.I. 2009/1604, art. 2(d)</p> |
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