



Crime and Punishment (Scotland) Act 1997

1997 CHAPTER 48

PART II

CRIMINAL PROCEDURE

Appeals

24 Suspension of certain sentences pending determination of appeal.

(1) After section 121 of the 1995 Act, there shall be inserted the following section—

“121A Suspension of certain sentences pending determination of appeal.

- (1) Where an intimation of intention to appeal or, in the case of an appeal under section 106(1)(b) to (e), 108 or 108A of this Act, a note of appeal is lodged, 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

Changes to legislation: There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Section 24. (See end of Document for details)

(ii) make such other order as the court thinks fit.

- (4) In this section “relevant sentence” means any one or more of the following—
- (a) a probation order;
 - (b) a supervised attendance order made under section 236(6) of this Act;
 - (c) a community service order;
 - (d) a restriction of liberty order.”.

(2) After section 193 of the 1995 Act, there shall be inserted the following section—

“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, 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—
 - (a) a probation order;
 - (b) a supervised attendance order made under section 236(6) of this Act;
 - (c) a community service order;
 - (d) a restriction of liberty order.”.

Commencement Information

- II** S. 24 wholly in force at 1.7.1998; s. 24 not in force at Royal Assent see s. 65(2); s. 24 in force for certain purpose at 1.8.1997 by S.I. 1997/1712, art. 3, Sch. (with arts. 4, 5); s. 24 in force insofar as not already in force at 1.7.1998 by S.I. 1997/2323, art. 5(1)

Changes to legislation:

There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Section 24.