

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Paragraph 18. (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENTS OF SERIOUS CRIME ACT 2007: SCOTLAND

18 After section 24 insert—

“24A Additional right of appeal from Court of Session

- (1) An appeal may be made to the Inner House of the Court of Session in relation to a decision of the Outer House of the Court of Session—
 - (a) to make a serious crime prevention order;
 - (b) to vary, or not to vary, such an order; or
 - (c) to discharge or not to discharge such an order;by any person who was given an opportunity to make representations in the proceedings concerned by virtue of section 9(1), (2) or (as the case may be) (3).
- (2) Subsection (1) is without prejudice to the rights of the person who is the subject of the order and the Lord Advocate to make appeals, under section 28 of the Court of Session Act 1988, in relation to any judgments or orders of the Outer House of the Court of Session about serious crime prevention orders.

24B Appeals from High Court of Justiciary and sheriff

- (1) The following are to be taken to be a sentence for the purpose of an appeal—
 - (a) a serious crime prevention order made under section 22A;
 - (b) the variation under section 22B or 22C of an order made under section 22A;
 - (c) the discharge of an order made under section 22A.
- (2) If the Lord Advocate considers that a decision of the High Court of Justiciary or the sheriff under section 22A not to make a serious crime prevention order was inappropriate, the Lord Advocate may appeal against the decision.
- (3) In addition, an appeal may be made in relation to a decision of the High Court of Justiciary or the sheriff—
 - (a) to make a serious crime prevention order under section 22A; or
 - (b) to vary, or not to vary, such an order under section 22B or 22C;by any person who was given an opportunity to make representations in the proceedings concerned by virtue of section 9(4A).”

Commencement Information

II Sch. 1 para. 18 in force at 1.3.2016 by S.I. 2016/148, reg. 3(f)

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