



# Criminal Justice (Scotland) Act 1949

## 1949 CHAPTER 94

### PART I

#### POWERS AND PROCEEDINGS OF COURTS

*Miscellaneous provisions relating to jurisdiction, procedure, appeals, etc.*

#### **30 Amendment of Criminal Appeal (Scotland) Act, 1926**

(1) For subsection (4) of section nine of the Criminal Appeal (Scotland) Act, 1926, there shall be substituted the following subsection—

“(4) —

- (a) The time during which an appellant, after admission to bail under this section, is at large pending the determination of his appeal shall not be reckoned as part of any term of imprisonment under his sentence;
- (b) The time during which an appellant is in custody pending the determination of his appeal shall, subject to any direction which the Court may give to the contrary, be reckoned as part of any term of imprisonment under his sentence;
- (c) Imprisonment under the sentence of an appellant shall, subject to any direction which the Court may give to the contrary, be deemed to run, if the appellant is in custody, as from the date on which the sentence was passed by the court of trial, and to begin to run or to be resumed, if the appellant is not in custody, as from the date on which he is received into prison under the sentence;
- (d) In this subsection references to a prison and imprisonment shall include respectively references to a Borstal institution, detention centre or remand home and to detention in such institution, centre or home, and any reference to a sentence shall be construed as a reference to a sentence passed by the court of trial or by the Court on appeal as the case may require.”

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (2) The power of the Secretary of State under section sixteen of the said Act to refer to the High Court of Justiciary the case, or any point arising on the case, of a person convicted on indictment, shall be exercisable whether or not that person has petitioned for the exercise of His Majesty's mercy.