



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Disclosure after conclusion of proceedings at first instance

132 Sections 133 to 140: interpretation

In sections 133 to 140—

“appellant”, in relation to appellate proceedings, includes a person authorised by an order under section 303A(4) of the 1995 Act to institute or continue the proceedings,

“appellate proceedings” means—

- (a) an appeal under section 106(1)(a) or (f) of the 1995 Act which brings under review an alleged miscarriage of justice,
- (b) an appeal under paragraph (b), (ba), (bb), (c), (d), (db) or (dc) of subsection (1) of section 106 of the 1995 Act which brings under review in accordance with subsection (3)(a) of that section an alleged miscarriage of justice,
- (c) an appeal under section 175(2)(a) or (d) of the 1995 Act which brings under review an alleged miscarriage of justice,
- (d) an appeal under paragraph (b), (c) or (cb) of subsection (2) of section 175 of the 1995 Act which brings under review an alleged miscarriage of justice which is based on the type of miscarriage described in subsection (5) of that section,
- (e) an appeal to the Supreme Court against a determination by the High Court of Justiciary of a devolution issue,
- (f) an appeal against conviction by bill of suspension under section 191(1) of the 1995 Act,
- (g) an appeal against conviction by bill of advocacy,

Status: This is the original version (as it was originally enacted).

- (h) a petition to the *nobile officium* in respect of a matter arising out of criminal proceedings which brings under review an alleged miscarriage of justice which is based on the existence and significance of new evidence,
- (i) an appeal under section 62(1)(b) of the 1995 Act against a finding under section 55(2) of that Act,
- (j) the referral to the High Court of Justiciary under section 194B of the 1995 Act of—
 - (i) a conviction, or
 - (ii) a finding under section 55(2) of that Act.