



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 5

#### APPEALS AND SCCRC

##### *Appeals*

#### **90 Extending certain time limits: solemn**

- (1) In section 105 (appeal against refusal of application) of the 1995 Act, after subsection (3) there is inserted—

“(3A) Subsection (3) does not entitle an applicant to be present at the hearing and determination of an application under section 111(2) unless the High Court has made a direction under section 111(4)(b).”.

- (2) Section 111 (provisions supplementary to sections 109 and 110) of the 1995 Act is amended as follows.

- (3) After subsection (2) there is inserted—

“(2ZA) Where an application under subsection (2) is received after the period to which it relates has expired, the High Court may extend the period only if it is satisfied that doing so is justified by exceptional circumstances.

(2ZB) In considering whether there are exceptional circumstances for the purpose of subsection (2ZA), the High Court must have regard to—

- (a) the length of time that has elapsed between the expiry of the period and the making of the application,
- (b) the reasons stated in accordance with subsection (2A)(a)(i),
- (c) the proposed grounds of appeal.”.

- (4) In subsection (2A)—

- (a) the words “seeking extension of the period mentioned in section 109(1) of this Act” are repealed,
- (b) in paragraph (a)(i)—
  - (i) after “failed” there is inserted “, or expects to fail,”,

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*Status: This is the original version (as it was originally enacted).*

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- (ii) the words “in section 109(1)” are repealed.
- (5) Subsection (2C) is repealed.
- (6) At the end of the section there is inserted—
  - “(4) An application under subsection (2) is to be dealt with by the High Court—
    - (a) in chambers, and
    - (b) unless the Court directs otherwise, without the parties being present.
  - (5) If the High Court extends a period under subsection (2), it must—
    - (a) give reasons for the decision in writing, and
    - (b) give the reasons in ordinary language.”.