



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

APPEAL

Procedure prior to hearing

[^{F1}228A Appeal by Lord Advocate against sentence in solemn proceedings.]

Where a person has been convicted on indictment, the Lord Advocate may appeal against the sentence passed on conviction [^{F2}or against any probation order or any community service order under the Community Service by Offenders (Scotland) Act 1978 or against the person's absolute discharge or admonition or against any order deferring sentence]—

- [if it appears to the Lord Advocate that, as the case may be—
- ^{F3}(a) (i) the sentence is unduly lenient;
- (ii) the making of the probation order or community service order is unduly lenient or its terms are unduly lenient;
- (iii) to dismiss with an admonition or to discharge absolutely is unduly lenient; or
- (iv) the deferment of sentence is inappropriate or on unduly lenient conditions;]
- (b) on a point of law.]

Textual Amendments

- F1** S. 228A inserted (*prosp.*) by 1993 c. 9, ss. 42(1), 48(2) (with s. 47(2), Sch. 6 paras. 1, 2).
- F2** Words in s. 228A inserted (27.7.1993) by 1993 c. 36, s. 68(2)(a)
- F3** S. 228A(a) substituted (27.7.1993) by 1993 c. 36, s. 68(2)(b)

Status:

Point in time view as at 27/07/1993. This version of this provision has been superseded.

Changes to legislation:

Criminal Procedure (Scotland) Act 1975, Section 228A is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.