



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

APPEAL

Procedure prior to hearing

[^{F1}233 Note of appeal.

(1) Subject to section 236B(2) of this Act,

[^{F2}(a)] within six weeks of lodging intimation of intention to appear or, in the case of an appeal [^{F3}under section 228(1)(b), (bb), (bc) or (bd) of this Act], within two weeks of the passing of the sentence [^{F4}(or as the case may be, of the making of the order disposing of the case or deferring sentence)] in open court, the convicted person may lodge a written note of appeal with the Clerk of Justiciary who shall send a copy to the judge who presided at the trial and to the Crown Agent: Provided that the first mentioned period may be extended, before expiry thereof, by the Clerk of Justiciary [^{F5}; or]

[^{F6}(b)] as the case may be, within four weeks of the passing of the sentence [^{F7}(or as the case may be, of the making of the order disposing of the case or deferring sentence)] in open court, the Lord Advocate may lodge such a note with the Clerk of Justiciary, who shall send a copy to the said judge and to the convicted person or that person's solicitor.]

(2) Such a note shall identify the proceedings, contain a full statement of all the grounds of appeal and be in as nearly as may be the form prescribed by Act of Adjournal under this Act.

(3) Except by leave of the High Court on cause shown it shall not be competent for an appellant to found any aspect of his appeal on a ground not contained in the note of appeal.

[Subsection (3) above shall not apply as respects any ground of appeal specified as an ^{F8}(3A) arguable ground of appeal by virtue of subsection (7) of section 230A of this Act.]

Changes to legislation: Criminal Procedure (Scotland) Act 1975, Section 233 is up to date with all changes known to be in force on or before 28 December 2023. 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. (See end of Document for details) View outstanding changes

- (4) On a note of appeal [^{F9}under section 228(1)(b), (bb), (bc) or (bd)] being lodged by an appellant in custody the Clerk of Justiciary shall give notice thereof to the Secretary of State.]

Textual Amendments

- F1** S. 233 substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), Sch. 2 para. 5, **Sch. 6 para. 6**
- F2** Words in s. 233(1) renumbered as s. 233(1)(a) (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 1(9)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **arts. 3(4)**, 10(b)
- F3** S. 183(5A) inserted by Community Service by Offenders (Scotland) Act 1978 (c. 49, SIF 39:1), **s. 7(b)**
- F4** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 68(2), **Sch. 13 Pt. II para. 3**
- F5** Word inserted by Community Service by Offenders (Scotland) Act 1978 (c. 49, SIF 39:1), **s. 7(a)**
- F6** Words added by Community Service by Offenders (Scotland) Act 1978 (c. 49, SIF 39:1), **s. 7(a)**
- F7** Words in s. 183(1) inserted (1.4.1991) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 39:1), **s. 61(1)(a)**; S.I. 1991/850, art. 3, **Sch.**
- F8** Words substituted by Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), ss. 47(4)(a), 70(1), **Sch. 1 para. 10(b)**
- F9** Words inserted by Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), ss. 47(4)(a), 70(1), **Sch. 1 para. 10(a)**

Changes to legislation:

Criminal Procedure (Scotland) Act 1975, Section 233 is up to date with all changes known to be in force on or before 28 December 2023. 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act certain function transferred. by [1994 c. 39 s. 127\(1\)](#)[128](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 168(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)](#)[Sch. 4 para. 24\(6\)\(b\)](#)
- s. 364(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)](#)[Sch. 4 para. 24\(14\)\(b\)](#)
- s. 413(3) (defn. of "the appropriate local authority") para. (a)(b) amended by [1994 c. 39 Sch. 13 para. 97\(5\)](#)
- s. 413(3) (defns. of "care" and "the 1968 Act") repealed (prosp.) by [1995 c. 36 s. 105\(4\)\(5\)](#)[Sch. 4 para. 24\(17\)\(b\)\(i\)](#)[Sch. 5](#)
- s. 462 (defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement") amended (prosp.) by [1995 c. 36 s. 105\(4\)](#)[Sch. 4 para. 24\(18\)](#)
- s. 462 (defns. of "crime" and "prosecutor") applied (prosp.) by [1995 c. 36 s. 53\(7\)](#)