



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

Pre-sentencing procedure

201 Power of court to adjourn case before sentence.

- (1) Where an accused has been convicted or the court has found that he committed the offence and before he has been sentenced or otherwise dealt with, subject to subsection (3) below, the court may adjourn the case for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with his case.
- (2) Where the court adjourns a case solely for the purpose mentioned in subsection (1) above, it shall remand the accused in custody or on bail or ordain him to appear at the adjourned diet.
- (3) [^{F1}Subject to section 21(9) of the Criminal Justice (Scotland) Act 2003 (asp 7),] a court shall not adjourn the hearing of a case as mentioned in subsection (1) above for any single period [^{F2}exceeding four weeks or, on cause shown, eight weeks.]
- (4) An accused who is remanded under this section may appeal [^{F3}to the [^{F4}appropriate Appeal Court]] against the refusal of bail or against the conditions imposed within 24 hours of his remand, by note of appeal ^{F5}. . . , and the [^{F4}appropriate Appeal Court], either in court or in chambers, may ^{F6}. . . —
 - (a) review the order appealed against and either grant bail on such conditions as it thinks fit or ordain the accused to appear at the adjourned diet; or
 - (b) confirm the order.
- [^{F7}(5) A note of appeal under subsection (4) above is to be—
 - (a) lodged with the clerk of the court from which the appeal is to be taken; and

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 201 is up to date with all changes known to be in force on or before 23 April 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. (See end of Document for details) View outstanding changes

- (b) sent without delay by that clerk (where not the ^{F8}clerk of the appropriate Appeal Court]) to the ^{F8}clerk of the appropriate Appeal Court].]

^{F9}(6) In this section—

“appropriate Appeal Court” means—

- (a) in the case of an appeal under subsection (4) against a decision of the High Court, that Court;
- (b) in the case of an appeal under subsection (4) against a decision of a sheriff (whether in solemn or summary proceedings) or a JP court, the Sheriff Appeal Court; and

“the clerk of the appropriate Appeal Court” means—

- (a) in a case where the High Court is the appropriate Appeal Court, the Clerk of Justiciary;
- (b) in a case where the Sheriff Appeal Court is the appropriate Appeal Court, the Clerk of that Court.]

Textual Amendments

- F1** Words in s. 201(3) inserted (10.6.2004) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 21(10), 89; S.S.I. 2004/240, art. 2
- F2** Words in s. 201(3) substituted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 67, 89; S.S.I. 2003/288, art. 2, Sch.
- F3** Words in s. 201(4) inserted (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 6(5)(a)(i), 84; S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)
- F4** Words in s. 201(4) substituted (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338), art. 1, sch. 2 para. 5(7)(a) (with art. 4)
- F5** Words in s. 201(4) repealed (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 6(5)(a)(ii), 84; S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)
- F6** Words in s. 201(4) repealed (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 80, 84, Sch. para. 18(4); S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)
- F7** S. 201(5) added (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 6(5)(b), 84; S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)
- F8** Words in s. 201(5)(b) substituted (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338), art. 1, sch. 2 para. 5(7)(b) (with art. 4)
- F9** S. 201(6) inserted (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338), art. 1, sch. 2 para. 5(7)(c) (with art. 4)

Modifications etc. (not altering text)

- C1** S. 201(3) modified (10.6.2004) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 21(9), 89; S.S.I. 2004/240, art. 2

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 201 is up to date with all changes known to be in force on or before 23 April 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.

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

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

- s. 5A inserted by 2010 asp 13 Sch. 7 para. 26
- s. 13(1B)(1C) inserted by 2006 asp 10 s. 82(2)
- s. 13(2)(aa) inserted by 2006 asp 10 s. 82(3)(b)
- s. 13(3A) inserted by 2006 asp 10 s. 82(4)
- s. 13(5)(ba) inserted by 2006 asp 10 s. 82(5)(a)
- s. 13(6)(a)(iii) and word inserted by 2006 asp 10 s. 82(6)(b)
- s. 13(8) inserted by 2006 asp 10 s. 82(7)
- s. 22(5A) inserted by 2007 asp 6 s. 7(2)(g)
- s. 22A(1A) inserted by 2023 asp 4 s. 1(2)
- s. 23B(1)(1A) substituted for s. 23B(1) by 2023 asp 4 s. 2(2)(a)
- s. 23B(6A) inserted by 2023 asp 4 s. 1(3)(c)
- s. 23B(8)-(10) inserted by 2023 asp 4 s. 2(2)(c)
- s. 23C(1A) inserted by 2023 asp 4 s. 2(3)(b)
- s. 23C(3) inserted by 2023 asp 4 s. 2(3)(c)
- s. 24(2C) inserted by 2023 asp 4 s. 4(4)
- s. 24(2AA) inserted by 2023 asp 4 s. 4(2)
- s. 73A inserted by 2004 asp 3 s. 2(3)
- s. 167(7D)(7E) inserted by 2007 asp 17 sch. 4 para. 1(3)
- s. 167(7D) words substituted by 2010 asp 13 Sch. 3 para. 16(2)
- s. 167(7E) words substituted by 2010 asp 13 Sch. 3 para. 16(3)
- s. 194ZA repealed by 2014 asp 18 sch. 3 para. 25
- s. 200A inserted by 2016 asp 1 s. 85
- s. 205A added by 1997 c. 48 s. 1(1) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by 2023 asp 4 s. 5
- s. 249(4A)-(4D) inserted by 2014 asp 1 s. 24
- s. 271D(4A) inserted by 2019 asp 8 s. 6(4)
- s. 271F(2)(aa) inserted by 2019 asp 8 s. 10(4)
- s. 271AA inserted by 2019 asp 8 s. 6(2)
- s. 271BZD inserted by 2019 asp 8 s. 3(2)
- s. 288AB288AC inserted by 2024 asp 1 s. 32(3)
- Sch. 5A added by 1997 c. 48 s. 1(2) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)