



# Crime and Punishment (Scotland) Act 1997

## 1997 CHAPTER 48

### PART II

#### CRIMINAL PROCEDURE

##### *Appeals*

#### **23 Appeals against orders under section 49 of the 1995 Act.**

It shall be competent for a convicted person or a prosecutor to appeal against a decision made under section 49 of the 1995 Act (reference or remit to children's hearing) to remit a case to the Principal Reporter and, accordingly—

- (a) in section 49(4) of that Act, at the beginning there shall be inserted the words “ Subject to any appeal against any decision to remit made under subsection (1) (a) above or (7)(b) below, ”;
- (b) in section 106(1) of that Act (right of appeal in solemn proceedings), after paragraph (d) there shall be inserted the following paragraph—
  - “(da) against any decision to remit made under section 49(1)(a) of this Act;”;and
- (c) in subsection (2) of section 175 of that Act (right of appeal in summary proceedings), after paragraph (c) there shall be inserted the following paragraph—
  - “(ca) against any decision to remit made under section 49(1)(a) or (7)(b) of this Act;”.

**Changes to legislation:**

There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Section 23.