

# **CRIMINAL JUSTICE (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **THE ACT THE ACT IS IN 12 PARTS.**

#### **Part 8 – Evidential, Jurisdictional and Procedural Matters**

##### ***Section 62 - Leave to appeal: extension of time limit for application under section 107(4) of 1995 Act***

331. **Section 62** amends section 107 of the 1995 Act to give the High Court of Justiciary the power to extend the time limit in which a convicted person may apply to the High Court for leave to appeal against conviction or sentence or both following the decision by a single judge of the High Court to refuse leave to appeal.
332. At present a convicted person who is refused leave to appeal against conviction or sentence or both by a single High Court judge must apply to the High Court within 14 days of receiving notification of the refusal of leave to appeal. That time limit is not capable of extension. The new provision gives the High Court the discretion to extend the 14-day time limit notwithstanding that the application for leave to appeal is presented outwith the 14 day period and whether or not the 14 day period for lodging an application expired prior to the commencement of the new provision. This enables a convicted person who has not applied within the 14-day period for leave to appeal to rely upon the new provision as well as those cases where the 14 day period expired after the commencement of the new provision.