

CRIMINAL PROCEDURE (LEGAL ASSISTANCE, DETENTION AND APPEALS) (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Appeals

Section 5 Extension of time limit for late appeals: right to make representations

22. This section inserts section 111(2A) to 111(2C) into the 1995 Act. Section 111(2A) provides that when an application is made seeking an extension to the period under section 109 within which a solemn appeal can be made, reasons must be given by the applicant as to why the time limit was not complied with. The application must be intimated by the applicant to the Crown Agent.
23. Section 111(2B) and 111(2C) provide that the prosecutor may within 7 days of receiving intimation of the application make representations before the application is determined. The representations may be in writing or oral if the prosecutor requests a hearing.
24. Subsection (3) inserts section 181(2A) to 181(2C) into the 1995 Act and provides that when an application is made seeking an extension to the period under section 176 within which a summary appeal can be made, reasons must be given by the applicant as to why the time limit was not complied with. The application must be intimated by the applicant to the respondent or respondent's solicitor.
25. Section 181(2B) provides that the respondent may within 7 days of receiving intimation of the application make representations before the application is determined. The representations may be in writing or oral if the respondent requests a hearing.
26. Subsection (4) provides that the changes to section 111 and section 181 affect any application made under section 111(2) or 181(1) on or after the day on which the Act comes into force.