



# Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010

2010 asp 15

## *Appeals*

### **6 Time limit for lodging bills of advocation and bills of suspension**

(1) After section 191 (appeal by suspension or advocation) of the 1995 Act, insert—

#### **“191A Time limit for lodging bills of advocation and bills of suspension**

- (1) This section applies where a party wishes—
  - (a) to appeal to the High Court under section 191(1) of this Act by bill of suspension against a conviction or by advocation against an acquittal, or
  - (b) to appeal to the High Court against, or to bring under review of the High Court, any other decision in a summary prosecution by bill of suspension or by advocation.
- (2) The party must lodge the bill of suspension or bill of advocation within 3 weeks of the date of the conviction, acquittal or, as the case may be, other decision to which the bill relates.
- (3) The High Court may, on the application of the party, extend the time limit in subsection (2).
- (4) An application under subsection (3) must—
  - (a) state—
    - (i) the reasons why the applicant failed to comply with the time limit in subsection (2), and
    - (ii) the proposed grounds of appeal or review, and
  - (b) be intimated in writing by the applicant to the other party to the prosecution.

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**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010, Section 6. (See end of Document for details)*

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- (5) If the other party so requests within 7 days of receipt of intimation of the application under subsection (4)(b), the other party must be given an opportunity to make representations before the application is determined.
  - (6) Any representations may be made in writing or, if the other party so requests, orally at a hearing; and if a hearing is fixed, the applicant must also be given an opportunity to be heard.”
- (2) In the case where the date of the conviction, acquittal or other decision referred to in subsection (1) of section 191A of the 1995 Act (as inserted by subsection (1) of this section) is before the date on which this Act comes into force, subsection (2) of section 191A (as so inserted) has effect as if, for the reference to the date of the conviction, acquittal or, as the case may be, other decision, there were substituted a reference to the date on which this Act comes into force.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010, Section 6.