



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 5

APPEALS AND SCCRC

Appeals

88 Preliminary diets in solemn cases

In section 74 (appeals in connection with preliminary diets) of the 1995 Act—

- (a) in subsection (1), for the words from “to—” to “motu)” there is substituted “ to any right of appeal under section 106 or 108 a party may, ”,
- (b) after subsection (2) there is inserted—

“(2A) An appeal under subsection (1) may be taken—

- (a) in the case of a decision to dismiss the indictment or any part of it, by the prosecutor without the leave of the court,
- (b) in any other case, only with the leave of the court of first instance (granted on the motion of a party or ex proprio motu).”.

Commencement Information

II S. 88 in force at 17.1.2017 by [S.S.I. 2016/426](#), art. 2, [sch.](#)

Changes to legislation:

Criminal Justice (Scotland) Act 2016, Section 88 is up to date with all changes known to be in force on or before 21 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.

[View outstanding changes](#)

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

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)