



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### PART 5

#### APPEALS AND SCCRC

##### *Appeals*

#### **89 Extending certain time limits: summary**

- (1) Section 181 (stated case: directions by Sheriff Appeal Court) of the 1995 Act is amended as follows.
- (2) After subsection (1) there is inserted—
  - “(1A) Where an application for a direction under subsection (1)—
    - (a) is made by the person convicted, and
    - (b) relates to the requirements of section 176(1),the Sheriff Appeal Court may make a direction only if it is satisfied that doing so is justified by exceptional circumstances.
  - (1B) In considering whether there are exceptional circumstances for the purpose of subsection (1A), the Sheriff Appeal Court must have regard to—
    - (a) the length of time that has elapsed between the expiry of the period mentioned in section 176(1)(a) and the making of the application,
    - (b) the reasons stated in accordance with subsection (2A)(a)(i),
    - (c) the proposed grounds of appeal.”
- (3) Subsection (2C) is repealed.
- (4) In paragraph (a) of subsection (3), the words from “(unless” to the end are repealed.
- (5) At the end of the section there is inserted—
  - “(5) If the Sheriff Appeal Court makes a direction under subsection (1), it must—
    - (a) give reasons for the decision in writing, and
    - (b) give the reasons in ordinary language.”

---

**Changes to legislation:** *Criminal Justice (Scotland) Act 2016, Section 89 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes*

---

---

#### **Commencement Information**

**II** [S. 89](#) in force at 17.1.2017 by [S.S.I. 2016/426](#), art. 2, [sch.](#)

**Changes to legislation:**

Criminal Justice (Scotland) Act 2016, Section 89 is up to date with all changes known to be in force on or before 27 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\(a\)](#)