



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VIII

APPEALS FROM SOLEMN PROCEEDINGS

110 Note of appeal.

(1) Subject to section 111(2) of this Act—

- (a) within [^{F1}eight] weeks of lodging intimation of intention to appeal or, in the case of an appeal under section 106(1)(b) to (e) of this Act ^{F2}. . . , within two weeks of the [^{F3}appropriate date (being, as the case may be, the date on which sentence was passed, the order disposing of the case was made, sentence was deferred ^{F4}... or the previous conviction was quashed as mentioned in section 106A(1)(c) or (2)(c) of this Act)] in open court, the convicted person may lodge a written note of appeal with the Clerk of Justiciary who shall send a copy to the judge who presided at the trial and to the Crown Agent; or, as the case may be,
- (b) within four weeks of the passing of the sentence in open court, the Lord Advocate may lodge such a note with the Clerk of Justiciary, who shall send a copy to the said judge and to the convicted person or that person's solicitor.
- [^{F5}(c) where the prosecutor intimates intention to appeal under section 107A(1), within 7 days after the acquittal or direction appealed against, the prosecutor may, except in the case of an expedited appeal, lodge such a note with the Clerk of Justiciary, who must send a copy to the judge and to the accused or to the accused's solicitor,
- (d) within 7 days after leave to appeal under section 107B(1) is granted, the prosecutor may, except in the case of an expedited appeal, lodge such a note with the Clerk of Justiciary, who must send a copy to the judge and to the accused or to the accused's solicitor,
- (e) in the case of an expedited appeal, as soon as practicable after the decision as to hearing and determining the case is made under section 107D(2), the prosecutor may—
 - (i) lodge such a note with the Clerk of Justiciary, and

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- (ii) provide a copy to the judge and to the accused or to the accused's solicitor.]
- (2) The period of [^{F6}eight] weeks mentioned in paragraph (a) of subsection (1) above may be extended, before it expires, by the Clerk of Justiciary.
- (3) A note of appeal shall—
- (a) identify the proceedings;
 - (b) contain a full statement of all the grounds of appeal; and
 - (c) be in as nearly as may be the form prescribed by Act of Adjournal.
- [^{F7}(3A) In respect of a written note of appeal relating to an appeal by virtue of section 11(7) of the Double Jeopardy (Scotland) Act 2011 (asp 16)—
- (a) subsection (1) applies as if the reference to the judge who presided at the trial were a reference to—
 - (i) the judge who presided at the trial resulting in the conviction to which the written note of appeal relates; and
 - (ii) the judge who presided at the trial for an offence mentioned in section 11(2) of that Act resulting in the convicted person's acquittal; and
 - (b) subsection (3)(a) applies as if the reference to the proceedings were a reference to—
 - (i) the proceedings which resulted in the conviction to which the written note of appeal relates; and
 - (ii) the proceedings which resulted in the convicted person's acquittal.]
- (4) Except by leave of the High Court on cause shown, it shall not be competent for an appellant to found any aspect of his appeal on a ground not contained in the note of appeal.
- (5) Subsection (4) above shall not apply as respects any ground of appeal specified as an arguable ground of appeal by virtue of subsection (7) of section 107 of this Act.
- (6) On a note of appeal under section 106(1)(b) to (e) of this Act being lodged by an appellant in custody the Clerk of Justiciary shall give notice of that fact to the Secretary of State.

Textual Amendments

- F1** Word in s. 110(1)(a) substituted (26.8.2002) by [Act of Adjournal \(Criminal Appeals\) 2002 \(S.S.I. 2002/387\)](#) , **para. 2**
- F2** Words in s. 110(1)(a) repealed (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#) , ss. 80 , 84 , **Sch. para. 16(2)(a)** ; S.S.I. 2007/479 , **art. 3(1)** , Sch. (as amended by S.S.I. 2007/527)
- F3** Words in s. 110(1) substituted (20.10.1997) by 1997 c. 48 , **s. 19(2)** ; S.I. 1997/2323 , art. 3 , **Sch. 1**
- F4** Words in s. 110(1)(a) repealed (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#) , s. 101(2) , **sch. 4 para. 15** (with ss. 90 , 99) ; S.S.I. 2011/157 , art. 2(a) (with art. 5(1))
- F5** S. 110(1)(c)-(e) added (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#) , **ss. 76(1)** , 206(1) ; S.S.I. 2011/178 , art. 2 , sch.
- F6** Word in s. 110(2) substituted (26.8.2002) by [Act of Adjournal \(Criminal Appeals\) 2002 \(S.S.I. 2002/387\)](#) , **para. 2**
- F7** S. 110(3A) inserted (28.11.2011) by [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\)](#) , s. 17(3) , **sch. para. 10** ; S.S.I. 2011/365 , art. 3

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Modifications etc. (not altering text)

- C1** S. 110(2)-(4)(6) applied (27.10.2003) by [S.I. 1996/513](#) , rule 19B .1(2) (as inserted by [Act of Adjournal \(Criminal Procedure Rules Amendment No. 2\) \(Miscellaneous\) 2003 \(S.S.I. 2003/468\)](#) , [rule 2\(10\)](#))

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)