



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART X

APPEALS FROM SUMMARY PROCEEDINGS

Stated case

180 Leave to appeal against conviction etc.

- (1) The decision whether to grant leave to appeal for the purposes of section 175(2)(a) or (d) of this Act shall be made by [^{F1}an Appeal Sheriff] of the [^{F2}Sheriff Appeal Court] who shall—
 - (a) if he considers that the documents mentioned in subsection (2) below disclose arguable grounds of appeal, grant leave to appeal and make such comments in writing as he considers appropriate; and
 - (b) in any other case—
 - (i) refuse leave to appeal and give reasons in writing for the refusal; and
 - (ii) where the appellant is on bail and the sentence imposed on his conviction is one of imprisonment, grant a warrant to apprehend and imprison him.
- (2) The documents referred to in subsection (1) above are—
 - (a) the stated case lodged under subsection (9) of section 179 of this Act; and
 - (b) the documents transmitted to the [^{F3}Clerk of the Sheriff Appeal Court] under subsection (8)(b) of that section.
- (3) A warrant granted under subsection (1)(b)(ii) above shall not take effect until the expiry of the period of 14 days mentioned in subsection (4) below [^{F4}(and if that period is extended under subsection (4A) below before the period being extended expires, until the expiry of the period as so extended)] without an application to the [^{F5}Sheriff Appeal Court] for leave to appeal having been lodged by the appellant under [^{F6}subsection (4) below].

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 180 is up to date with all changes known to be in force on or before 09 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

- (4) Where leave to appeal is refused under subsection (1) above the appellant may, within 14 days of intimation under subsection (10) below, apply to the [F7Sheriff Appeal Court] for leave to appeal.
- [F8(4A) The [F7Sheriff Appeal Court] may, on cause shown, extend the period of 14 days mentioned in subsection (4) above, or that period as extended under this subsection, whether or not the period to be extended has expired (and if that period of 14 days has expired, whether or not it expired before section 25(1) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) came into force).]
- (5) In deciding an application under subsection (4) above the [F9Sheriff Appeal Court] shall—
- (a) if, after considering the documents mentioned in subsection (2) above and the reasons for the refusal, the court is of the opinion that there are arguable grounds of appeal, grant leave to appeal and make such comments in writing as the court considers appropriate; and
 - (b) in any other case—
 - (i) refuse leave to appeal and give reasons in writing for the refusal; and
 - (ii) where the appellant is on bail and the sentence imposed on his conviction is one of imprisonment, grant a warrant to apprehend and imprison him.
- (6) The question whether to grant leave to appeal under subsection (1) or (5) above shall be considered and determined in chambers without the parties being present.
- (7) Comments in writing made under subsection (1)(a) or (5)(a) above may, without prejudice to the generality of that provision, specify the arguable grounds of appeal (whether or not they are contained in the stated case) on the basis of which leave to appeal is granted.
- (8) Where the arguable grounds of appeal are specified by virtue of subsection (7) above it shall not, except by leave of the [F10Sheriff Appeal Court] on cause shown, be competent for the appellant to found any aspect of his appeal on any ground of appeal contained in the stated case but not so specified.
- (9) Any application by the appellant for the leave of the [F11Sheriff Appeal Court] under subsection (8) above—
- (a) shall be made [F12within 14 days of the date of intimation under subsection (10) below]; and
 - (b) shall, [F13within 14 days of] that date, be intimated by the appellant to the [F14prosecutor].
- [F15(9A) The [F16Sheriff Appeal Court] may, on cause shown, extend the periods of 14 days mentioned in subsection (9) above.]
- (10) The [F17Clerk of the Sheriff Appeal Court] shall forthwith intimate—
- (a) a decision under subsection (1) or (5) above; and
 - (b) in the case of a refusal of leave to appeal, the reasons for the decision, to the appellant or his solicitor and to the [F18prosecutor].

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Textual Amendments

- F1** Words in s. 180(1) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(2\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F2** Words in s. 180(1) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(3\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F3** Words in s. 180(2)(b) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(4\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F4** Words in s. 180(3) inserted (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [ss. 25\(1\)\(a\)\(i\)](#), 84; S.S.I. 2007/479, [art. 3\(1\)](#), Sch. (as amended by S.S.I. 2007/527)
- F5** Words in s. 180(3) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(3\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F6** Words in s. 180(3) substituted (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [ss. 25\(1\)\(a\)\(ii\)](#), 84; S.S.I. 2007/479, [art. 3\(1\)](#), Sch. (as amended by S.S.I. 2007/527)
- F7** Words in s. 180(4)(4A) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(3\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F8** S. 180(4A) inserted (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [ss. 25\(1\)\(b\)](#), 84; S.S.I. 2007/479, [art. 3\(1\)](#), Sch. (as amended by S.S.I. 2007/527)
- F9** Words in s. 180(5) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(3\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F10** Words in s. 180(8) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(3\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F11** Words in s. 180(9) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(3\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F12** Words in s. 180(9)(a) substituted (23.4.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [ss. 80, 84](#), [Sch. para. 18\(2\)\(a\)\(i\)](#); S.S.I. 2007/250, [art. 3\(h\)\(i\)](#) (subject to art. 4(2))
- F13** Words in s. 180(9)(b) substituted (23.4.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [ss. 80, 84](#), [Sch. para. 18\(2\)\(a\)\(ii\)](#); S.S.I. 2007/250, [art. 3\(h\)\(i\)](#) (subject to art. 4(2))
- F14** Word in s. 180(9)(b) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(5\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F15** S. 180(9A) inserted (23.4.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [ss. 80, 84](#), [Sch. para. 18\(2\)\(b\)](#); S.S.I. 2007/250, [art. 3\(h\)\(i\)](#) (subject to art. 4(2))
- F16** Words in s. 180(9A) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(3\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F17** Words in s. 180(10) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(4\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)
- F18** Word in s. 180(10) substituted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 3 para. 9\(5\)](#); S.S.I. 2015/247, art. 2, sch. (with art. 6)

Modifications etc. (not altering text)

- C1** S. 180(10) excluded by 2006 asp 10, s. 96A(5) (as inserted (22.9.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions No. 2\) Order 2015 \(S.S.I. 2015/338\)](#), art. 1, [sch. 2 para. 9\(6\)](#) (with art. 4))

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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.)