



# 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 [<sup>F1</sup>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, within two weeks of the [<sup>F2</sup>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 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.
- (2) The period of [<sup>F3</sup>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.
- (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.

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*Status: Point in time view as at 26/08/2002. This version of this provision has been superseded.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 110 is up to date with all changes known to be in force on or before 20 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)*

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- (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.

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**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) substituted (20.10.1997) by [1997 c. 48](#) , **s. 19(2)** ; [S.I. 1997/2323](#) , art. 3 , **Sch. 1**
- F3** Word in s. 110(2) substituted (26.8.2002) by [Act of Adjournal \(Criminal Appeals\) 2002 \(S.S.I. 2002/387\)](#) , **para. 2**

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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)** )

**Status:**

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**Changes to legislation:**

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