



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VIII

APPEALS FROM SOLEMN PROCEEDINGS

121 Suspension of disqualification, forfeiture, etc.

- (1) Any disqualification, forfeiture or disability which attaches to a person by reason of a conviction shall not attach—
 - (a) for the period of four weeks from the date of the verdict against him; or
 - (b) where an intimation of intention to appeal or, in the case of an appeal under section 106(1)(b) to (e) [^{F1}, 108 or 108A] of this Act, a note of appeal is lodged, until the appeal, if it is proceeded with, is determined.
- (2) The destruction or forfeiture or any order for the destruction or forfeiture of any property, matter or thing which is the subject of or connected with any prosecution following upon a conviction shall be suspended—
 - (a) for the period of four weeks after the date of the verdict in the trial; or
 - (b) where an intimation of intention to appeal or, in the case of an appeal under section 106(1)(b) to (e) [^{F2}, 108 or 108A] of this Act, a note of appeal is lodged, until the appeal, if it is proceeded with, is determined.
- (3) This section does not apply in the case of any disqualification, destruction or forfeiture or order for destruction or forfeiture under or by virtue of any enactment which makes express provision for the suspension of the disqualification, destruction or forfeiture or order for destruction or forfeiture pending the determination of an appeal against conviction or sentence.
- (4) Where, upon conviction, a fine has been imposed on a person or a compensation order has been made against him under section 249 of this Act, then, for a period of four weeks from the date of the verdict against such person or, in the event of an intimation of intention to appeal (or in the case of an appeal under section 106(1)(b) to (e) [^{F3}, 108 or 108A] of this Act a note of appeal) being lodged under this Part of this Act, until such appeal, if it is proceeded with, is determined—

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 121 is up to date with all changes known to be in force on or before 17 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

- (a) the fine or compensation order shall not be enforced against that person and he shall not be liable to make any payment in respect of the fine or compensation order; and
- (b) any money paid by that person under the compensation order shall not be paid by the clerk of court to the person entitled to it under subsection (9) of the said section 249.

[^{F4}(5) In this section–

- (a) “appeal” includes an appeal under [^{F5}section 288AA of this Act or] paragraph 13(a) of Schedule 6 to the Scotland Act 1998; and
- (b) in relation to such an appeal, references to an appeal being determined are to be read as references to the disposal of the proceedings by the High Court following determination of the appeal.]

Textual Amendments

- F1** Words in s. 121(1)(b) substituted (20.10.1997) by 1997 c. 48 , s. 18(6)(a) ; S.I. 1997/2323 , art. 3 , **Sch. 1**
- F2** Words in s. 121(2)(b) substituted (20.10.1997) by 1997 c. 48 , s. 18(6)(b) ; S.I. 1997/2323 , art. 3 , **Sch. 1**
- F3** Words in s. 121(4) substituted (20.10.1997) by 1997 c. 48 , s. 18(6)(c) ; S.I. 1997/2323 , art. 3 , **Sch. 1**
- F4** S. 121(5) inserted (6.5.1999) by S.I. 1999/1042 , arts. 1(2)(a) , 3 , **Sch. 1 Pt. I para. 13(3)**
- F5** Words in s. 121(5)(a) inserted (22.4.2013) by Scotland Act 2012 (c. 11) , ss. 36(10) , 44(5) ; S.I. 2013/6 , art. 2(c)

Modifications etc. (not altering text)

- C1** S. 121 excluded (28.11.2011) by Double Jeopardy (Scotland) Act 2011 (asp 16) , ss. 11(9) , 17(3) (with s. 14) ; S.S.I. 2011/365 , art. 3

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 121 is up to date with all changes known to be in force on or before 17 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.

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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.)