



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

[^{F1}PART XA

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

References to High Court

[^{F1}194B [^{F2}References by the Commission]

- (1) The Commission on the consideration of any conviction of a person or of the sentence (other than sentence of death) passed on a person who has been convicted on indictment [^{F3}or complaint] may, if they think fit, at any time, and whether or not an appeal against such conviction or sentence has previously been heard and determined by the High Court [^{F4}or the Sheriff Appeal Court], refer the whole case to the High Court and ^{F5}... the case shall be heard and determined, subject to any directions the High Court may make, as if it were an appeal under Part VIII [^{F6}or, as the case may be, Part X] of this Act.
- (2) The power of the Commission under this section to refer to the High Court the case of a person convicted shall be exercisable whether or not that person has petitioned for the exercise of Her Majesty's prerogative of mercy.
- (3) This section shall apply in relation to a finding under section 55(2) and an order under section 57(2) of this Act as it applies, respectively, in relation to a conviction and a sentence.

[For the purposes of an appeal under Part X of this Act in a case referred to the High ^{F7}(3A) Court under subsection (1)—

- (a) the High Court may exercise in the case all the powers and jurisdiction that the Sheriff Appeal Court would, had the case been an appeal to that Court, have had in relation to the case by virtue of section 118 of the Courts Reform (Scotland) Act 2014, and
- (b) accordingly, Part X of this Act has effect in relation to the case subject to the following modifications—

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 194B is up to date with all changes known to be in force on or before 05 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*

- (i) references to the Sheriff Appeal Court are to be read as references to the High Court,
- (ii) references to an Appeal Sheriff are to be read as references to a judge of the High Court,
- (iii) references to the Clerk of the Sheriff Appeal Court are to be read as reference to the Clerk of Justiciary.]

(4) For the purposes of this section “person” includes a person who is deceased.]

Textual Amendments

- F1** Pt. XA (ss. 194A-194L) inserted (1.1.1998 for the purpose of inserting ss. 194A, 194E and 194G, otherwise 1.4.1999) by [1997 c. 48, s. 25\(1\)](#); [S.I. 1997/3004, art. 2, Sch.](#); [S.I. 1999/652, art. 2, Sch.](#) (subject to [art. 3](#))
- F2** S. 194B title substituted (17.1.2017) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\), ss. 96\(3\), 117\(2\); S.S.I. 2016/426, art. 2, sch.](#)
- F3** Words in s. 194B(1) inserted (1.4.1999) by [S.I. 1999/1181, art. 3\(a\)](#)
- F4** Words in s. 194B(1) inserted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), ss. 121\(2\), 138\(2\); S.S.I. 2015/247, art. 2, sch.](#)
- F5** Words in s. 194B(1) repealed (17.1.2017) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\), ss. 96\(2\), 117\(2\); S.S.I. 2016/426, art. 2, sch.](#)
- F6** Words in s. 194B(1) inserted (1.4.1999) by [S.I. 1999/1181, art. 3\(b\)](#)
- F7** S. 194B(3A) inserted (22.9.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\), ss. 121\(3\), 138\(2\); S.S.I. 2015/247, art. 2, sch.](#)

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 194B is up to date with all changes known to be in force on or before 05 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:

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.)