

These notes relate to the Bail, Judicial Appointments etc. (Scotland) Act 2000 (asp 9) which received Royal Assent on 9 August 2000

BAIL, JUDICIAL APPOINTMENTS ETC. (SCOTLAND) ACT 2000

EXPLANATORY NOTES

THE ACT

Part 1 – Bail

Section 2 (Bail and liberation where person already in custody)

11. **Section 2** inserts a new section 23A into the 1995 Act.
12. Section 23A ensures that the fact that an accused person is already in custody for another matter cannot in itself be a reason for a refusal to consider bail. The court will be required to consider, in the usual way, whether it is appropriate to grant bail for the new offence. Section 23A(1) provides that the court's duty applies to an accused person who is already in prison, either serving a sentence of imprisonment or having been refused bail for another crime or offence. Section 23A(2) makes it clear that an accused person in custody, who is admitted to bail for the new offence, is not liberated from his existing custody, i.e. the accused person will not be released, until the reason for the existing custody expires.
13. Section 23A(3) makes it clear that where a person is already in custody on another matter, any requirement to liberate that person under section 22A(3) or section 23(7) as a consequence of the court failing to make a bail decision within the 24-hour period, does not release him from that existing custody.
14. Section 23A(4) defines the expression “another crime or offence” in section 23A to mean a matter other than the crime or offence which is the subject of the current bail proceedings.