
Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Paragraph 9. (See end of Document for details)

SCHEDULE
FURTHER MODIFICATIONS OF THE 1995 ACT

9 In section 28 (breach of bail conditions: arrest of offender etc.), after subsection (4) insert—

“(4A) In the case of an accused released on bail by virtue of section 65(8C) of this Act—

- (a) subsection (2) above shall have effect as if the reference to the court to which his application for bail was first made were a reference to the court or judge which admitted him to bail under that section; and
- (b) subsection (4) above shall not apply and subsection (4B) below shall apply instead.

(4B) Where an accused referred to in subsection (4A) above is, under subsection (2) or (3) above, brought before the court or judge which admitted him to bail under section 65(8C)—

- (a) the court or judge shall give the prosecutor an opportunity to make an application under section 65(5) of this Act; and
- (b) if the prosecutor does not make such an application, or if such an application is made but is refused, the court or judge may—
 - (i) release the accused under the original order granting bail; or
 - (ii) vary the order granting bail so as to contain such conditions as the court or judge thinks necessary to impose to secure that the accused complies with the requirements of paragraphs (a) to (d) of section 24(5) of this Act.”.

Commencement Information

II Sch. para. 9 in force at 1.2.2005 by S.S.I. 2004/405, art. 2(1), **sch. 1** (with arts. 3-5)

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