



Criminal Procedure (Amendment) (Scotland) Act 2004

2004 asp 5

PART 3

BAIL

18 Bail review: rights of prosecutor to be heard etc.

- (1) The 1995 Act is amended as follows.
- (2) In section 25 (bail conditions: supplementary), after subsection (2) insert—
 - “(2A) Where an application is made under subsection (2) above—
 - (a) the application shall be intimated by the accused immediately and in writing to the Crown Agent; and
 - (b) the court shall, before determining the application, give the prosecutor an opportunity to be heard.”.
- (3) In section 30 (bail review), after subsection (2) insert—
 - “(2A) Before determining an application under subsection (2) above, the court shall give the prosecutor an opportunity to be heard.
 - (2B) Subsection (2C) below applies where an application is made under subsection (2) above by a person convicted on indictment pending the determination of—
 - (a) his appeal;
 - (b) any relevant appeal by the Lord Advocate under section 108 or 108A of this Act; or
 - (c) the sentence to be imposed on, or other method of dealing with, him.
 - (2C) Where this subsection applies the application shall be—
 - (a) intimated by the person making it immediately and in writing to the Crown Agent; and
 - (b) heard not less than 7 days after the date of that intimation.”.

Status: This is the original version (as it was originally enacted).

- (4) In section 31 (bail review on prosecutor’s application), after subsection (2) insert—
- “(2A) Subsection (2B) below applies to an application under subsection (1) above where the person granted bail—
- (a) was convicted on indictment; and
 - (b) was granted bail pending the determination of—
 - (i) his appeal;
 - (ii) any relevant appeal by the Lord Advocate under section 108 or 108A of this Act; or
 - (iii) the sentence to be imposed on, or other method of dealing with, him.
- (2B) Where this subsection applies, the application shall be heard not more than 7 days after the day on which it is made.”.