



Bail, Judicial Appointments etc. (Scotland) Act 2000

2000 asp 9

PART 1

BAIL

1 Consideration of bail on first appearance

Before section 23 (bail applications) of the Criminal Procedure (Scotland) Act 1995 (c. 46) (the “1995 Act”), there is inserted—

“22A Consideration of bail on first appearance

- (1) On the first occasion on which—
 - (a) a person accused on petition is brought before the sheriff prior to committal until liberated in due course of law; or
 - (b) a person charged on complaint with an offence is brought before a judge having jurisdiction to try the offence,the sheriff or, as the case may be, the judge shall, after giving that person and the prosecutor an opportunity to be heard and within the period specified in subsection (2) below, either admit or refuse to admit that person to bail.
- (2) That period is the period of 24 hours beginning with the time when the person accused or charged is brought before the sheriff or judge.
- (3) If, by the end of that period, the sheriff or judge has not admitted or refused to admit the person accused or charged to bail, then that person shall be forthwith liberated.
- (4) This section applies whether or not the person accused or charged is in custody when that person is brought before the sheriff or judge.”

2 Bail and liberation where person already in custody

After section 23 (bail applications) of the 1995 Act there is inserted—

Status: This is the original version (as it was originally enacted).

“23A Bail and liberation where person already in custody

- (1) A person may be admitted to bail under section 22A or 23 of this Act although in custody—
 - (a) having been refused bail in respect of another crime or offence; or
 - (b) serving a sentence of imprisonment.
- (2) A decision to admit a person to bail by virtue of subsection (1) above does not liberate the person from the custody mentioned in that subsection.
- (3) The liberation under section 22A(3) or 23(7) of this Act of a person who may be admitted to bail by virtue of subsection (1) above does not liberate that person from the custody mentioned in that subsection.
- (4) In subsection (1) above, “another crime or offence” means a crime or offence other than that giving rise to the consideration of bail under section 22A or 23 of this Act.”.

3 Removal of restrictions on bail

- (1) In section 24 (bail and bail conditions) of the 1995 Act, in subsection (1), the words “except, subject to subsection (2) below, murder and treason” are repealed.
- (2) Section 26 (bail: circumstances where not available) of the 1995 Act is repealed.

4 Removal of restriction on appeals against refusal of bail

In section 32 (bail appeal) of the 1995 Act, in subsection (1), for the words from the beginning to “offence” there is substituted “Where, in any case, bail”.