



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART III

#### BAIL

#### 24 Bail and bail conditions

- (1) All crimes and offences except, subject to subsection (2) below, murder and treason are bailable.
- (2) Nothing in this Act shall affect the right of the Lord Advocate or the High Court to admit to bail any person charged with any crime or offence.
- (3) It shall not be lawful to grant bail or release for a pledge or deposit of money, and—
  - (a) release on bail may be granted only on conditions which subject to subsection (6) below, shall not include a pledge or deposit of money;
  - (b) liberation may be granted by the police under section 21, 22 or 43 of this Act.
- (4) In granting bail the court or, as the case may be, the Lord Advocate shall impose on the accused—
  - (a) the standard conditions; and
  - (b) such further conditions as the court or, as the case may be, the Lord Advocate considers necessary to secure—
    - (i) that the standard conditions are observed; and
    - (ii) that the accused makes himself available for the purpose of participating in an identification parade or of enabling any print, impression or sample to be taken from him.
- (5) The standard conditions referred to in subsection (4) above are conditions that the accused—
  - (a) appears at the appointed time at every diet relating to the offence with which he is charged of which he is given due notice;
  - (b) does not commit an offence while on bail;

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*Status: This is the original version (as it was originally enacted).*

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- (c) does not interfere with witnesses or otherwise obstruct the course of justice whether in relation to himself or any other person; and
  - (d) makes himself available for the purpose of enabling enquiries or a report to be made to assist the court in dealing with him for the offence with which he is charged.
- (6) The court or, as the case may be, the Lord Advocate may impose as one of the conditions of release on bail a requirement that the accused or a cautioner on his behalf deposits a sum of money in court, but only where the court or, as the case may be, the Lord Advocate is satisfied that the imposition of such condition is appropriate to the special circumstances of the case.
- (7) In any enactment, including this Act and any enactment passed after this Act—
  - (a) any reference to bail shall be construed as a reference to release on conditions in accordance with this Act or to conditions imposed on bail, as the context requires;
  - (b) any reference to an amount of bail fixed shall be construed as a reference to conditions, including a sum required to be deposited under subsection (6) above;
  - (c) any reference to finding bail or finding sufficient bail shall be construed as a reference to acceptance of conditions imposed or the finding of a sum required to be deposited under subsection (6) above.
- (8) In this section and sections 25 and 27 to 29 of this Act, references to an accused and to appearance at a diet shall include references respectively to an appellant and to appearance at the court on the day fixed for the hearing of an appeal.