



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.”