



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^{F1} and for that purpose the application shall be taken to be intimated to the Crown Agent if intimation of it is sent to the procurator fiscal for the sheriff court district in which bail was granted]; 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—

Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Section 18. (See end of Document for details)

(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.”.

(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.”.

Textual Amendments

F1 Words in s. 18(2) inserted (31.1.2005) by [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(Incidental, Supplemental and Consequential Provisions\) Order 2005 \(S.S.I. 2005/40\)](#), arts. 1(2), **3(4)**

Commencement Information

I1 S. 18 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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