



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 1

BAIL

4 Bail review and appeal

(1) In section 30 (bail review) of the 1995 Act—

(a) after subsection (1) there is inserted—

“(1A) This section also applies where a person who has accepted the conditions imposed on his bail wants to have any of them removed or varied.”,

(b) in subsection (2), for the words from “above” to the end there is substituted “or (1A) above, have power to review (in favour of the person) its decision as to bail, or its decision as to the conditions imposed, if—

(a) the circumstances of the person have changed materially; or
(b) the person puts before the court material information which was not available to it when its decision was made.”.

(2) In section 32 (bail appeal) of that Act, after subsection (3) there is inserted—

“(3A) A notice of appeal under this section is to be lodged with the clerk of the court from which the appeal is to be taken.

(3B) When an appeal is made under this section, that clerk shall without delay—

(a) send a copy of the notice of appeal to the judge whose decision is the subject of the appeal; and
(b) request the judge to provide a report of the reasons for that decision.

(3C) The judge shall, as soon as is reasonably practicable, provide that clerk with the judge’s report of those reasons.

(3D) The clerk of court (where not the Clerk of Justiciary) shall send the notice of appeal without delay to the Clerk of Justiciary.

- (3E) That clerk (where not the Clerk of Justiciary) shall, before the end of the day after the day of receipt of the notice of appeal, send the judge's report (if provided by then) to the Clerk of Justiciary.
- (3F) The Clerk of Justiciary shall, upon receipt of the notice of appeal, without delay fix a diet for the hearing of the appeal.
- (3G) The Clerk of Justiciary shall send a copy of the judge's report to—
(a) the accused or his solicitor; and
(b) the Crown Agent.
- (3H) Where the judge's report is not sent as mentioned in subsection (3E) above—
(a) the High Court may call for the report to be submitted to it within such period as it may specify; or
(b) if it thinks fit, hear and determine the appeal without the report.
- (3I) Subject to subsection (3G) above, the judge's report shall be available only to the High Court, the parties and, on such conditions as may be prescribed by Act of Adjournal, such other persons or classes of person as may be so prescribed.”.