



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

2007 asp 6

PART 1

BAIL

5 Attitude of prosecutor after conviction

After section 32 of the 1995 Act there is inserted—

“32A Bail after conviction: prosecutor’s attitude

- (1) Where—
 - (a) a person has been convicted in any proceedings of an offence; and
 - (b) a question of bail (including as to bail conditions) subsequently arises in the proceedings (whether before sentencing or pending appeal or otherwise),the prosecutor and the convicted person must be given an opportunity to make submissions in relation to the question.
- (2) But the attitude of the prosecutor towards the question does not restrict the court’s exercise of its discretion in determining the question in accordance with the rules applying in the case.
- (3) Despite subsection (1) above, the prosecutor need not be given an opportunity to make submissions in relation to a question of bail arising under section 245J of this Act.
- (4) This section is without prejudice to any other right of the parties to be heard.”.