



# Bail and Release from Custody (Scotland) Act 2023

2023 asp 4

## PART 1

### BAIL

PROSPECTIVE

#### **1 Decisions on bail: relevant information**

- (1) The Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) is amended as follows.
- (2) In section 22A (consideration of bail on first appearance), after subsection (1) insert—
  - “(1A) Before determining whether to admit or refuse to admit the person accused or charged to bail, the sheriff or judge must also give an officer of a local authority an opportunity to provide (orally or in writing) information relevant to that determination.”.
- (3) In section 23B (entitlement to bail and the court’s function)—
  - (a) at the end of subsection (4) insert “(including submissions in relation to any information provided by an officer of a local authority under section 22A(1A) or in response to a request under subsection (6))”,
  - (b) in subsection (6), after “counsel” insert “or an officer of a local authority”,
  - (c) after subsection (6) insert—
    - “(6A) Where relevant to a question of bail, and without prejudice to the generality of subsection (6), the court may in particular request the prosecutor to provide it with information in relation to the risk of harm to the complainer.”,
  - (d) in subsection (7)—
    - (i) for “that party” in the first place where it occurs substitute “the prosecutor, the accused person’s solicitor or counsel, or an officer of a local authority”,
    - (ii) after “party” in the second place where it occurs insert “or officer”.

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Bail and Release from Custody (Scotland) Act 2023, Section 1. (See end of Document for details)*

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(4) The Social Work (Scotland) Act 1968 is amended as follows.

(5) In section 27 (supervision and care of persons put on probation or released from prisons etc.), in subsection (1), before paragraph (a) insert—

“(za) making available to any court, in accordance with section 22A(1A) or 23B(6) of the Criminal Procedure (Scotland) Act 1995, such information as may be relevant to the court’s determination of whether to grant bail to persons who are accused of or charged with an offence;”.

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**Commencement Information**

**II** S. 1 not in force at Royal Assent, see [s. 18\(2\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Bail and Release from Custody (Scotland) Act 2023, Section 1.