

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Bail Etc. (Scotland) Act 1980(Repealed 1.4.1996). (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 12(2)

CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C1** The text of ss. 5–9, 12(2)(3), Schs. 1, 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The Licensing (Scotland) Act 1903 (c. 25)

- 1 In section 70(1) (penalties for drunkenness, riotous behaviour and other offences involving drunkenness)—
- (a) in the first paragraph after “custody” where it occurs for the second time insert “, such day not being a Saturday, a Sunday or a court holiday prescribed for that court under section 10 of the Bail etc. (Scotland) Act 1980,”;
 - (b) at the end of the first paragraph insert—
“Provided that nothing in this paragraph of this subsection shall prevent such person being brought before the court on a Saturday, a Sunday or a court holiday prescribed for that court under the said section 10 where the court is in pursuance of that enactment sitting on such day for the disposal of criminal business.”.

The District Courts (Scotland) Act 1975 (c. 20)

- 2 In section 2(1) (district of, and exercise of jurisdiction by, district court), after “sits, and” insert—
“ subject to section 10 of the Bail etc. (Scotland) Act 1980 (sittings of sheriff and district courts) ”.

The Criminal Procedure (Scotland) Act 1975 (c. 21)

- 3 In section 26(2) (bail competent before committal), for the words from “liberation” to “him” substitute “ bail ”.

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- 4 In section 30(2) (application for review), for “at a lower amount” substitute “ on different conditions ”.
- 5 In section 180(2) (remand for inquiry into physical or mental condition), for “bond” wherever it occurs substitute “ order granting bail ”.
- 6 In section 299(2) (application for review), for “at a lower amount” substitute “ on different conditions ”.
- 7 In section 321(3) (warrants of apprehension and search), for “public or local holiday” substitute
“Saturday, a Sunday or a court holiday prescribed for that court under section 10 of the Bail etc. (Scotland) Act 1980:
Provided that nothing in this subsection shall prevent such person being brought before the court on a Saturday, a Sunday or such a court holiday where the court is, in pursuance of the said section 10, sitting on such day for the disposal of criminal business.”.
- 8 In section 337(d) (plea of not guilty), for “without” to the end substitute “ if he is not granted bail or until the accused or a cautioner on his behalf has deposited a sum of money in court where such deposit has been required as a condition of release on bail under section 1(3) of the Bail etc. (Scotland) Act 1980; ”.
- 9 In section 381(2) (remand for inquiry into physical or mental condition). for “bond” wherever it occurs substitute “ order granting bail ”.
- 10 In section 444(5) (manner and time of appeal), for “interim liberation” substitute “ bail ”.
- 11 In section 446 (procedure where appellant in custody)—
(a) for “interim liberation” and “liberation” wherever they occur substitute “ bail ”
(b) in each of subsections (2) and (3), for “amount of caution fixed” substitute “ conditions imposed ”.
- 12 In section 448(8) (adjustment and signature of case), for “interim liberation” substitute “ bail ”.
- 13 In section 452(5) (hearing of appeal), for “interim liberation” substitute “ bail ”.

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- 14 In section 462(1) (interpretation), for the definition of “bail” substitute “bail” means release of an accused or an appellant on conditions, or conditions imposed on bail, as the context requires; ”.
- 15 In paragraph 4 of Schedule 3, after “day” wherever it occurs insert “, not including a Saturday, a Sunday or a court holiday prescribed for that court under section 10 of the Bail etc. (Scotland) Act 1980. ”.

SCHEDULE 2

Section 12(3).

REPEALS

Modifications etc. (not altering text)

- C2** The text of ss. 5–9, 12(2)(3), Schs. 1, 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

SCHEDULE 2

SCHEDULE 2 Repeals

SCHEDULE 2
REPEALS

Section 12(3).

Chapter	Short Title	Extent of Repeal
3 Edw. 7. c. 25.	The Licensing (Scotland) Act 1903.	In section 70(1), in the first paragraph, the word “lawful”.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	Section 29. Section 30(3). Section 34. Section 36. In section 180, in subsection (2) the words “bail shall be found by bail bond, and”, and subsection (3). In section 296(1) the words from “or on bail” to the second “hearing of the charge”. Section 299(5). Section 301. Section 302. Section 303(2) and (3). In section 321(3) the word “lawful”. In section 337(a) the word “or”. Section 337(a). Section 338(d). In section 381, in subsection (2) the words “bail shall be found by bail bond, and”, and subsection (3). In section 446, in subsection (1) the words “as to caution or otherwise” and “or may dispense with further consignation or caution”. In paragraph 4 of Schedule 3 the word “lawful” wherever it occurs.

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