



Bail etc. (Scotland) Act 1980

1980 CHAPTER 4

3 Breach of conditions

- (1) Subject to subsection (3) below, an accused who having been granted bail fails without reasonable excuse—
 - (a) to appear at the time and place appointed for any diet of which he has been given due notice; or
 - (b) to comply with any other condition imposed on bail;shall be guilty of an offence and liable on conviction to the penalties specified in subsection (2) below.
- (2) The penalties mentioned in subsection (1) above are—
 - (a) a fine not exceeding £200; and
 - (b) imprisonment for a period—
 - (i) where conviction is in the district court, not exceeding 60 days ; or
 - (ii) where conviction is in the sheriff court or in the High Court, not exceeding 3 months.
- (3) An accused who having been granted bail in relation to solemn proceedings fails without reasonable excuse to appear at the time and place appointed for any diet of which he has been given due notice (where such diet is in respect of solemn proceedings) shall be guilty of an offence and liable on conviction on indictment to the following penalties—
 - (a) a fine ; and
 - (b) imprisonment for a period not exceeding 2 years.
- (4) At any time before the trial of an accused under solemn procedure for the original offence, it shall be competent—
 - (a) to amend the indictment to include an additional charge of an offence under this section ;
 - (b) to include in the list of witnesses or productions relating to the original offence, witnesses or productions relating to the offence under this section.

- (5) The penalties provided for in subsection (2) above may be imposed in addition to any other penalty which it is competent for the court to impose, notwithstanding that the total of penalties imposed may exceed the maximum penalty which it is competent to impose in respect of the original offence.
- (6) A court which finds an accused guilty of an offence under (ids section may remit the accused for sentence in respect of that offence to any court which is considering the original offence.
- (7) A constable may arrest without warrant an accused who has been released on bail where the constable has reasonable grounds for suspecting that the accused has broken, is breaking, or is likely to break any condition imposed on his bail.
- (8) An accused who is arrested under this section shall wherever practicable be brought before the court to which his application for bail was first made not later than in the course of the first day after his arrest, such day not being a Saturday, a Sunday or a court holiday prescribed for that court under section 10 of this Act:
- Provided that nothing in this subsection shall prevent such person being brought before a 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.
- (9) Where an accused is brought before a court under subsection (8) above, the court, after hearing the parties, may—
- (a) recall the order granting bail;
 - (b) release the accused under the original order granting bail; or
 - (c) vary the order granting bail so as to contain such conditions as the court thinks it necessary to impose to secure that the accused complies with the requirements of paragraphs (a) to (d) of section 1(2) of this Act.
- (10) The same rights of appeal shall be available against any decision of the court under subsection (9) above as were available against the original order of the court relating to bail.
- (11) For the purposes of this section, an extract from the minute of proceedings, containing the order granting bail and bearing to be signed by the clerk of court, shall be sufficient evidence of the making of that order and of its terms and of the acceptance by the accused of the conditions imposed under section 1 of this Act.
- (12) In this section "the original offence " means the offence with which the accused was charged when he was granted bail or an offence charged in the same proceedings as that offence.