



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VIII

APPEALS FROM SOLEMN PROCEEDINGS

112 Admission of appellant to bail.

- (1) Subject to subsection (2) below, the High Court may, if it thinks fit, on the application of a convicted person, admit him to bail pending the determination of—
 - (a) his appeal; or
 - (b) any relevant appeal by the Lord Advocate under section 108 [^{F1}or 108A] of this Act.
- (2) The High Court shall not admit a convicted person to bail under subsection (1) above unless—
 - (a) where he is the appellant and has not lodged a note of appeal in accordance with section 110(1)(a) of this Act, the application for bail states reasons why it should be granted and sets out the proposed grounds of appeal; or
 - (b) where the Lord Advocate is the appellant, the application for bail states reasons why it should be granted,and, in either case, the High Court considers there to be exceptional circumstances justifying admitting the convicted person to bail.
- (3) A person who is admitted to bail under subsection (1) above shall, unless the High Court otherwise directs, appear personally in court on the day or days fixed for the hearing of the appeal.
- (4) Where an appellant fails to appear personally in court as mentioned in subsection (3) above, the court may—
 - (a) if he is the appellant—
 - (i) decline to consider the appeal; and
 - (ii) dismiss it summarily; or
 - (b) whether or not he is the appellant—

Status: Point in time view as at 06/05/1999. This version of this provision has been superseded.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 112 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) consider and determine the appeal; or
 - (ii) without prejudice to section 27 of this Act, make such other order as the court thinks fit.
- (5) For the purposes of subsections (1), (3) and (4) above, “appellant” includes not only a person who has lodged a note of appeal but also one who has lodged an intimation of intention to appeal.
- [^{F2}(6) Subject to subsection (7) below, the High Court may, if it thinks fit, on the application of a convicted person, admit him to bail pending the determination of any appeal under paragraph 13(a) of Schedule 6 to the Scotland Act 1998 and the disposal of the proceedings by the High Court thereafter.
- (7) The High Court shall not admit a convicted person to bail under subsection (6) above unless the application for bail states reasons why it should be granted and the High Court considers there to be exceptional circumstances justifying admitting the convicted person to bail.
- (8) A person who is admitted to bail under subsection (6) above shall, unless the High Court otherwise directs, appear personally in the High Court at any subsequent hearing in the High Court in relation to the proceedings; and if he fails to do so the court may, without prejudice to section 27 of this Act, make such order as it thinks fit.]

Textual Amendments

- F1** Words in s. 112(1) inserted (20.10.1997) by 1997 c. 48 , s. 18(3) ; S.I. 1997/2323 , art. 3 , Sch. 1
- F2** S. 112(6)-(8) inserted (6.5.1999) by S.I. 1999/1042 , arts. 1(2)(a) , 3 , Sch. 1 Pt. I para. 13(2)

Status:

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