



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VIII

APPEALS FROM SOLEMN PROCEEDINGS

112 Admission of appellant to bail.

- (1) Subject to [^{F1}subsections (2), (2A) and (9)] 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 [^{F2}or 108A] of this Act.

[^{F3}(2) The High Court shall not admit a convicted person to bail under subsection (1) above unless—

- (a) the application for bail—
 - (i) states reasons why it should be granted; and
 - (ii) where he is the appellant and has not lodged a note of appeal in accordance with section 110(1)(a) of this Act, sets out the proposed grounds of appeal; ^{F4} . . .
- (b) ^{F5}

(2A) Where—

- (a) the convicted person is the appellant and has not lodged a note of appeal in accordance with section 110(1)(a) of this Act; or
- (b) the Lord Advocate is the appellant,

the High Court shall not admit the convicted person to bail under subsection (1) above unless it considers there to be exceptional circumstances justifying admitting him to bail.]

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 13 September 2019. 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) View outstanding changes

- (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—
 - (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.
- [^{F6}(6) Subject to [^{F7}subsections (7) and (9)] 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 [^{F8}section 288AA of this Act or] 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
- ^{F9}[(a)] 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 [^{F10} and
 - (b) where the appeal relates to conviction on indictment, the prosecutor has had an opportunity to be heard on the application.]
- (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.]
- [^{F11}(9) An application for the purposes of subsection (1) or (6) above by a person convicted on indictment shall be—
- (a) intimated by him immediately and in writing to the Crown Agent; and
 - (b) heard not less than seven days after the date of that intimation.]

Textual Amendments

- F1** Words in s. 112(1) substituted (27.6.2003) by virtue of [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) , [ss. 66\(5\)\(a\)](#) , 89 ; [S.S.I. 2003/288](#) , [art. 2](#)
- F2** Words in s. 112(1) inserted (20.10.1997) by [1997 c. 48](#) , [s. 18\(3\)](#) ; [S.I. 1997/2323](#) , [art. 3](#) , [Sch. 1](#)
- F3** S. 112(2)(2A) substituted (27.6.2003) for s. 112(2) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) , [ss. 66\(5\)\(b\)](#) , 89 ; [S.S.I. 2003/288](#) , [art. 2](#)
- F4** S. 112(2)(b) and preceding word repealed (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#) , [ss. 80](#) , 84 , [Sch. para. 16\(3\)](#) ; [S.S.I. 2007/479](#) , [art. 3\(1\)](#) , [Sch.](#) (as amended by [S.S. I. 2007/527](#))

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 13 September 2019. 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) View outstanding changes*

- F5** S. 112(2)(b) and preceding word repealed (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#) , ss. 80 , 84 , **Sch. para. 16(3)** ; S.S.I. 2007/479 , **art. 3(1)** , Sch. (as amended by [S.S. I. 2007/527](#))
- F6** 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)**
- F7** Words in s. 112(6) substituted (27.6.2003) by virtue of [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) , **ss. 66(5)(c)** , 89 ; S.S.I. 2003/288 , **art. 2**
- F8** Words in s. 112(6) inserted (22.4.2013) by [Scotland Act 2012 \(c. 11\)](#) , **ss. 36(10)** , 44(5); S.I. 2013/6, art. 2(c)
- F9** Words in s. 112(7) renumbered as s. 112(7)(a) (27.6.2003) by virtue of [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) , **ss. 66(5)(d)(i)** , 89 ; S.S.I. 2003/288 , **art. 2**
- F10** S. 112(7)(b) and word inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) , **ss. 66(5)(d)(ii)** , 89 ; S.S.I. 2003/288 , **art. 2**
- F11** S. 112(9) added (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) , **ss. 66(5)(e)** , 89 ; S.S.I. 2003/288 , **art. 2**

Changes to legislation:

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View outstanding changes

Changes and effects yet to be applied to :

- 136(3) applied by S.I. 2019/1145 reg. 34(4)(a)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by 2010 asp 13 Sch. 7 para. 26
- s. 13(1B)(1C) inserted by 2006 asp 10 s. 82(2)
- s. 13(2)(aa) inserted by 2006 asp 10 s. 82(3)(b)
- s. 13(3A) inserted by 2006 asp 10 s. 82(4)
- s. 13(5)(ba) inserted by 2006 asp 10 s. 82(5)(a)
- s. 13(6)(a)(iii) and word inserted by 2006 asp 10 s. 82(6)(b)
- s. 13(8) inserted by 2006 asp 10 s. 82(7)
- s. 18GA inserted by 2019 c. 3 Sch. 2 para. 8
- s. 22(5A) inserted by 2007 asp 6 s. 7(2)(g)
- s. 73A inserted by 2004 asp 3 s. 2(3)
- s. 167(7D)(7E) inserted by 2007 asp 17 sch. 4 para. 1(3)
- s. 167(7D) words substituted by 2010 asp 13 Sch. 3 para. 16(2)
- s. 167(7E) words substituted by 2010 asp 13 Sch. 3 para. 16(3)
- s. 194ZA repealed by 2014 asp 18 sch. 3 para. 25
- s. 200A inserted by 2016 asp 1 s. 85
- s. 205A added by 1997 c. 48 s. 1(1) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)
- s. 209(7B) inserted by 2019 asp 14 Sch. 1 para. 1(2)
- s. 227A(2)(j) inserted by 2019 asp 14 Sch. 1 para. 2(2)
- s. 227G(2)(b)(viii) and word inserted by 2019 asp 14 Sch. 1 para. 2(3)(a)(iii)
- s. 227G(4A) inserted by 2019 asp 14 Sch. 1 para. 2(3)(c)
- s. 227ZE(A1) inserted by 2019 asp 14 Sch. 1 para. 2(4)(a)
- s. 227ZG(2)(aa) inserted by 2019 asp 14 Sch. 1 para. 5(2)(b)
- s. 227ZH(2)(aa) inserted by 2019 asp 14 Sch. 1 para. 5(3)(b)
- s. 245A(6)(a)(ia) inserted by 2019 asp 14 Sch. 1 para. 5(4)(b)
- s. 245E(4A)(a)(ia) inserted by 2019 asp 14 Sch. 1 para. 5(5)(a)(ii)
- s. 245DA inserted by 2019 asp 14 Sch. 1 para. 4(2)
- s. 249(4A)-(4D) inserted by 2014 asp 1 s. 24
- s. 253A-253E and cross-heading inserted by 2014 asp 1 s. 25
- s. 253A(2) applied by 2002 c. 29, s. 97A(9) (as inserted) by 2015 c. 9 s. 15(2)
- s. 271B(4A) inserted by 2019 asp 8 s. 2(2)(a)
- s. 271B(7) inserted by 2019 asp 8 s. 2(2)(b)
- s. 271D(3A)-(3C) inserted by 2019 asp 8 s. 4(2)
- s. 271D(4A) inserted by 2019 asp 8 s. 6(4)
- s. 271D(6A) inserted by 2019 asp 8 s. 5(8)
- s. 271F(2)(aa) inserted by 2019 asp 8 s. 10(4)
- s. 271I(1ZA)-(1ZD) inserted by 2019 asp 8 s. 5(2)
- s. 271I(4A) inserted by 2019 asp 8 s. 5(4)
- s. 271AA inserted by 2019 asp 8 s. 6(2)
- s. 271BZA-271BZC inserted by 2019 asp 8 s. 1(2)
- s. 271BZD inserted by 2019 asp 8 s. 3(2)

- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)