



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART III

BAIL

[^{F1}23D Restriction on bail in certain solemn cases

- (1) Where subsection (2) or (3) below applies, a person is to be granted bail in solemn proceedings only if there are exceptional circumstances justifying bail.
- (2) This subsection applies where the person—
 - (a) is accused in the proceedings of a violent or sexual offence; and
 - (b) has a previous conviction on indictment for a violent or sexual offence.
- (3) This subsection applies where the person—
 - (a) is accused in the proceedings of a drug trafficking offence; and
 - (b) has a previous conviction on indictment for a drug trafficking offence.
- (4) For the purposes of this section—
 - “drug trafficking offence” has the meaning given by section 49(5) of the Proceeds of Crime (Scotland) Act 1995 (c. 43);
 - “sexual offence” has the meaning given by section 210A(10) and (11) of this Act;
 - “violent offence” means any offence (other than a sexual offence) inferring personal violence.
- (5) Any reference in this section to a conviction on indictment for a violent or sexual offence or a drug trafficking offence includes—
 - (a) a conviction on indictment in England and Wales or Northern Ireland for an equivalent offence;
 - (b) a conviction in a member State of the European Union (other than the United Kingdom) which is equivalent to conviction on indictment for an equivalent offence.

Status: Point in time view as at 16/08/2013. This version of this provision has been superseded.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 23D is up to date with all changes known to be in force on or before 03 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)

(6) Any issue of equivalence arising in pursuance of subsection (5) above is for the court to determine.

(7) This section is without prejudice to section 23C of this Act.]

Textual Amendments

F1 Ss. 23B-23D inserted (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 1, 84; S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)

Status:

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