

## SCHEDULE 1

### MODIFICATIONS WHICH COME INTO FORCE ON 6TH MAY 1999

#### PART I

#### MODIFICATIONS OF PUBLIC GENERAL ACTS

##### *Criminal Procedure (Scotland) Act 1995 (c. 46)*

13.—(1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

(2) In section 112 (admission of appellant to bail), after subsection (5) there is inserted—

“(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.”

(3) In section 121 (suspension of disqualification, forfeiture, etc.), after subsection (4) there is inserted—

“(5) In this section—

- (a) “appeal” includes an appeal under paragraph 13(a) of Schedule 6 to the Scotland Act 1998; and
- (b) in relation to such an appeal, references to an appeal being determined are to be read as references to the disposal of the proceedings by the High Court following determination of the appeal.”

(4) In section 121A(1) (suspension of certain sentences pending determination of appeal), after subsection (4) there is inserted—

“(5) Subsections (1), (2) and (4) above apply to an appeal under paragraph 13(a) of Schedule 6 to the Scotland Act 1998 and, in relation to such an appeal—

- (a) references to an appeal being determined are to be read as references to the disposal of the proceedings by the High Court following determination of the appeal; and
- (b) the reference in subsection (2) to the hearing of the appeal is to be read as a reference to any subsequent hearing in the High Court in relation to the proceedings.

(6) Where a person fails to appear personally in court as mentioned in subsection (2) as read with subsection (5) above, the court may make such order as it thinks fit.”

(5) In section 122 (fines and caution)—

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(1) Section 121A was inserted by section 24(1) of the Crime and Punishment Act 1997 (c. 48).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in subsection (4), after “Advocate” there is inserted “or any appeal by the Lord Advocate or the Advocate General for Scotland under paragraph 13(a) of Schedule 6 to the Scotland Act 1998”; and
- (b) after subsection (4), there is inserted—
  - “(5) In subsections (1) and (3) above, “appeal” includes an appeal under paragraph 13(a) of Schedule 6 to the Scotland Act 1998.”.
- (6) In section 124(2) (finality of proceedings)—
  - (a) after “subsection (3) below” there is inserted “and paragraph 13(a) of Schedule 6 to the Scotland Act 1998”; and
  - (b) after “whatsoever and” there is inserted “, except for the purposes of an appeal under paragraph 13(a) of that Schedule,”.
- (7) In section 177 (procedure where appellant in custody), after subsection (7) there is inserted—
  - “(8) Subsections (6) and (7) of section 112 of this Act (bail pending determination of appeals under paragraph 13(a) of Schedule 6 to the Scotland Act 1998) shall apply to appeals arising in summary proceedings as they do to appeals arising in solemn proceedings.”.