

These notes relate to the Bail, Judicial Appointments etc. (Scotland) Act 2000 (asp 9) which received Royal Assent on 9 August 2000

BAIL, JUDICIAL APPOINTMENTS ETC. (SCOTLAND) ACT 2000

EXPLANATORY NOTES

THE ACT

Schedule (Minor and Consequential Amendments)

43. [Paragraph 1](#) makes necessary changes to the 1971 Act in consequence of the abolition of the office of temporary sheriff and the creation of the office of part-time sheriff.
44. [Paragraph 2](#) makes minor amendments to the 1975 Act in consequence of the creation of full and signing justices and the new appointment and removal provisions. In particular, paragraph 2(2) inserts a new subsection (2A) into section 11 of the 1975 Act to require ex officio justices to have their names entered in the supplemental list in recognition of the fact that ex officios will become signing justices and will no longer be entitled to undertake court duties. In addition, paragraph 2(4) amends section 16 of the 1975 Act to ensure that justices who are signing justices by virtue of being councillors may sit on the justices committees which assist and advise the local authorities on the administration of the district courts.
45. [Paragraph 3](#) makes amendments to sections 36 and 43 of the Education (Scotland) Act 1980 which are in line with the restrictions to local authority prosecutions set out in Part 3. The local authority is prevented from bringing a prosecution under this Act in the district court but may choose to prosecute in the sheriff court or report the case to the procurator fiscal.
46. [Paragraphs 4, 5, 6 and 7\(4\) and \(5\)](#) make amendments to other connected pieces of legislation in consequence of the abolition of temporary sheriffs and the creation of the office of part-time sheriff.
47. The remainder of paragraph 7 makes consequential amendments to the 1995 Act in relation to bail.
48. [Paragraph 7\(1\)](#) amends section 23 of the 1995 Act to remove consequential references to the existing bail exclusions. Paragraph 7(1) also makes consequential amendments to section 23 to take account of the fact that an application for bail will no longer be required when the accused is brought before the court for the first time.
49. [Paragraph 7\(2\)\(a\), \(b\) and \(c\)](#) makes consequential amendments to section 32 which change all existing references to an “applicant” or “application” to ensure that the section applies consistently to the automatic consideration of bail on first appearance and subsequent applications for bail.
50. [Paragraph 7\(3\)](#) makes additional consequential amendments to section 33 of the 1995 Act to reflect the automatic consideration of bail on first appearance. The amendments preserve the existing position whereby no fees or expenses can be awarded against the accused for the first hearing on bail.