

CRIMINAL PROCEEDINGS ETC. (REFORM) (SCOTLAND) ACT 2007

EXPLANATORY NOTES

INTRODUCTION

Part 2 - Proceedings

Summary procedure

Section 16: Obstructive witnesses

New section 156C

111. Section 156C as inserted provides for the review of orders detaining the witness in custody or releasing the witness on bail.
112. Subsection (1) provides that where the court has made an order to detain the witness in custody it may, on the application of the witness and on cause shown, recall that order and release the witness on bail or liberate the witness. Parties to the case and the witness will be given an opportunity to be heard on the application.
113. Subsection (2) provides that where the witness has been liberated on bail the witness, or the party who made the application to apprehend the witness, may apply to the court to review the conditions imposed when making the bail order and to make a new bail order. The court has power to make a new order to liberate the witness on bail and impose different conditions. Subsection (3) provides that court may only review a bail order if the circumstances of the witness have changed or if material information is presented to the court which was not available at the time that the original order was granted.
114. Subsection (4) provides for time limits in which applications for a review may be made.
115. Subsection (5) outlines the procedure the court must follow upon the receipt of any application for a review.
116. Subsection (6) preserves rights of appeal against decisions taken under section 156A(1).