Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 3

CRIMINAL PROCEDURE

Bail

VALID FROM 28/03/2011

57 Bail review applications

(1) The 1995 Act is amended as follows.

(2) In section 30 (bail review)—

(a) for subsection (2A) substitute—

"(2A) On receipt of an application under subsection (2), the court must—

(a) intimate the application to the prosecutor, and

(b) before determining the application, give the prosecutor an opportunity to be heard.

(2AA) Despite subsection (2A)(b), the court may grant the application without having heard the prosecutor if the prosecutor consents.", and

(b) in subsection (2C), in paragraph (b), for "heard" substitute " determined ".

(3) In section 31 (bail review on prosecutor's application)—

(a) after subsection (2), insert—

"(2ZA) Despite subsection (2)(b), the court may grant the application without fixing a hearing if the person granted bail consents.", and

(b) in subsection (3), the word "hearing" is repealed.

Status: *Point in time view as at 13/12/2010. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Bail. (See end of Document for details)*

VALID FROM 28/03/2011

58 Bail condition for identification procedures etc.

In section 24 of the 1995 Act (bail and bail conditions)—

(a) in paragraph (b) of subsection (4), sub-paragraph (ii) and the word "and" immediately preceding it are repealed, and

(b) in subsection (5), after paragraph (ca) insert—

"(cb) whenever reasonably instructed by a constable to do so—

(i) participates in an identification parade or other identification procedure; and

(ii) allows any print, impression or sample to be taken from the accused;".

59 Bail conditions: remote monitoring requirements

Sections 24A to 24E of the 1995 Act (bail conditions: remote monitoring) are repealed.

Commencement Information

I1 S. 59 in force at 13.12.2010 by S.S.I. 2010/413, art. 2, **Sch.**

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