

# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 6

#### CRIMINAL APPEALS

##### *Bail appeals*

#### **122 Bail appeals**

- (1) Section 32 of the Criminal Procedure (Scotland) Act 1995 (bail appeals) is amended in accordance with this section.
- (2) In each of subsections (1), (2), (3H)(a), (3I), (4), (5) and (7) for “High Court” substitute “appropriate Appeal Court”.
- (3) For subsections (3D) and (3E) substitute—
  - “(3CA) The clerk of the court from which the appeal is to be taken (unless that clerk is the Clerk of Justiciary) must—
    - (a) send the notice of appeal without delay to the clerk of the appropriate Appeal Court, and
    - (b) before the end of the day after the day of receipt of the notice of appeal, send the judge’s report (if provided by then) to the clerk of the appropriate Appeal Court.”.
- (4) In each of subsections (3F), (3G) and (10), for “Clerk of Justiciary” in each place it occurs substitute “clerk of the appropriate Appeal Court”.
- (5) In subsection (3H)—
  - (a) for “Where” substitute “In a case where the Sheriff Appeal Court is the appropriate Appeal Court, if”, and
  - (b) for “(3E)” substitute “(3CA)”.
- (6) In each of subsections (4) and (5), for “Lord Commissioner of Justiciary” substitute “judge of the appropriate Appeal Court”.
- (7) In subsection (7B)(a), for “High Court” substitute “the appropriate Appeal Court”.

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*Status: This is the original version (as it was originally enacted).*

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(8) After subsection (10), insert—

“(11) In this section—

“appropriate Appeal Court” means—

- (a) in the case of an appeal under this section against a bail decision of the High Court or a judge of the High Court, that Court,
- (b) in the case of an appeal under this section against a bail decision of the Sheriff Appeal Court, the High Court,
- (c) in the case of an appeal under this section against a bail decision of a sheriff (whether in solemn or summary proceedings) or a JP court, the Sheriff Appeal Court,

“judge of the appropriate Appeal Court” means—

- (a) in a case where the High Court is the appropriate Appeal Court, judge of that Court,
- (b) in a case where the Sheriff Appeal Court is the appropriate Appeal Court, Appeal Sheriff,

“the clerk of the appropriate Appeal Court” means—

- (a) in a case where the High Court is the appropriate Appeal Court, the Clerk of Justiciary,
- (b) in a case where the Sheriff Appeal Court is the appropriate Appeal Court, the Clerk of that Court.

(12) In a case where the Sheriff Appeal Court is the appropriate Appeal Court, the references in subsections (3G)(b) and (10) to the Crown Agent are to be read as references to the prosecutor.”.