



# Bail and Release from Custody (Scotland) Act 2023

2023 asp 4

## PART 1

### BAIL

#### 6 Report on bail and remand

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of the reporting period, prepare and publish a report on bail and remand.
- (2) The report must include the following information for each year of the reporting period—
  - (a) the average daily remand population,
  - (b) the total number of individuals within the remand population,
  - (c) the number of individuals who entered the remand population by reference to each of the following characteristics—
    - (i) the offence (or type of offence) in respect of which the individual was remanded in custody,
    - (ii) the individual's gender,
    - (iii) the local authority area in which the individual lived immediately before being remanded in custody,
  - (d) the number of individuals who left the remand population by reference to the individual's gender,
  - (e) an analysis of the length of time that individuals spent within the remand population,
  - (f) in relation to women within the remand population—
    - (i) the offences (or types of offence) in respect of which women were remanded in custody,
    - (ii) the age profile of women who were remanded in custody,
    - (iii) the number of women who transferred from the remand population to the population of prisoners serving a sentence of imprisonment or detention,

- (g) the number of bail orders made by reference to the offence (or type of offence) in respect of which the individual was granted bail,
  - (h) the number of bail orders made in respect of—
    - (i) individuals who were accused in solemn proceedings of a violent offence, a sexual offence, or a domestic abuse offence and had a previous conviction on indictment for any such offence, and
    - (ii) individuals who were accused in solemn proceedings of a drug trafficking offence and had a previous conviction on indictment for such an offence,
  - (i) the number of convictions for—
    - (i) bail-related offences, and
    - (ii) other offences (“subsequent offences”) committed while on bail by reference to the subsequent offence (or type of subsequent offence) in respect of which the individual was convicted.
- (3) The report may—
- (a) include information on the operation of the modifications of enactments made by this Part, including in particular the repeal of section 23D of the 1995 Act,
  - (b) include any other information, including gender-specific information, that the Scottish Ministers consider appropriate, and
  - (c) be in any form that they consider appropriate and, in particular, may be part of another document.
- (4) In preparing a report that includes the information mentioned in subsection (3)(a), the Scottish Ministers must consult—
- (a) the chief constable of the Police Service of Scotland,
  - (b) the Lord Advocate,
  - (c) the Scottish Courts and Tribunals Service,
  - (d) each local authority,
  - (e) persons who are providing support services to victims in relation to offences perpetrated against or in respect of those victims,
  - (f) such other persons as the Scottish Ministers consider appropriate.
- (5) In this section—
- “bail-related offence” means an offence under section 27(1)(a) or (b) or (7) of the 1995 Act,
- “domestic abuse offence” means—
- (a) an offence under section 1(1) of the Domestic Abuse (Scotland) Act 2018, or
  - (b) an offence that is aggravated as described in section 1(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016,
- “drug trafficking offence” has the meaning given by section 49(5) of the Proceeds of Crime (Scotland) Act 1995,
- “remand population” means the Scottish prison population comprising—
- (a) every individual who was accused of, or charged with, an offence and remanded in custody while awaiting trial, and
  - (b) every individual who was convicted of an offence and remanded in custody while awaiting sentence,
- “reporting period” means the period of 3 years beginning with the day on which section 2 comes into force,

“sexual offence” has the meaning given by section 210A(10) and (11) of the 1995 Act,

“violent offence” means any offence (other than a sexual offence) inferring personal violence.

- (6) Any reference in this section to an offence (other than a bail-related offence or a sexual offence) includes reference to—
- (a) an attempt, conspiracy or incitement to commit the offence,
  - (b) aiding, abetting, counselling or procuring the commission of the offence.