



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 1

BAIL

2 Bail and bail conditions

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

(a) after subsection (2) there is inserted—

“(2A) Whenever the court grants or refuses bail, it shall state its reasons.

(2B) Where the court—

- (a) grants bail to a person accused of a sexual offence (having the meaning given by section 210A(10) and (11) of this Act); and
- (b) does so without imposing on the accused further conditions under subsection (4)(b)(i) below,

the court shall also state why it considers in the circumstances of the case that such conditions are unnecessary.”

(b) in subsection (4), in paragraph (b)(ii), after the word “parade” there is inserted “or other identification procedure”;

(c) in subsection (5), after paragraph (c) there is inserted—

“(ca) does not behave in a manner which causes, or is likely to cause, alarm or distress to witnesses;”.

(2) In section 25 (bail conditions: supplementary) of that Act—

(a) before subsection (1) there is inserted—

“(A1) When granting bail, the court shall (if the accused is present) explain to the accused in ordinary language—

- (a) the effect of the conditions imposed;
 - (b) the effect of the requirement under subsection (2B) below;
- and

Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 2. (See end of Document for details)

- (c) the consequences which may follow a breach of any of those conditions or that requirement.
- (B1) The accused shall (whether or not the accused is present when bail is granted) be given a written explanation in ordinary language of the matters mentioned in paragraphs (a) to (c) of subsection (A1) above.
- (C1) Such a written explanation may be contained in the copy of the bail order given to the accused or in another document.”,
- (b) in subsection (1), after paragraph (a) there is inserted—
 - “(aa) that breach of a condition imposed is an offence and renders the accused liable to arrest, prosecution and punishment under this Act;”,
 - (c) after subsection (2A) there is inserted—
 - “(2B) Where the domicile of citation specified in an order granting bail ceases to be the accused's normal place of residence, the accused must make an application under subsection (2) above within 7 days of that happening.
 - (2C) A person who without reasonable excuse contravenes subsection (2B) above is guilty of an offence and is liable—
 - (a) on conviction in the JP court, to a fine not exceeding level 3 on the standard scale or to imprisonment for a period not exceeding 60 days or to both;
 - (b) in any other case, to a fine not exceeding level 3 on the standard scale or to imprisonment for a period not exceeding 12 months or to both.”.

Commencement Information

- II** S. 2 wholly in force at 10.12.2007, see s. 84 and S.S.I. 2007/479. {art. 3}, Sch. (subject to transitional provisions in art. 4)

Changes to legislation:

There are currently no known outstanding effects for the *Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 2*.