



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

2007 asp 6

PART 1

BAIL

6 Time for dealing with applications

- (1) In section 22A (consideration of bail on first appearance) of the 1995 Act—
 - (a) in subsection (1), the words “and within the period specified in subsection (2) below” are repealed,
 - (b) for subsection (2) there is substituted—

“(2) Admittance to or refusal of bail shall be determined before the end of the day (not being a Saturday or Sunday, or a court holiday prescribed for the court which is to determine the question of bail, unless that court is sitting on that day for the disposal of criminal business) after the day on which the person accused or charged is brought before the sheriff or judge.”,
 - (c) in subsection (3), for the words “the end of that period” there is substituted “that time”.
- (2) In section 23 (bail applications) of that Act, in subsection (7), for the words “within 24 hours after” there is substituted “before the end of the day (not being a Saturday or Sunday, or a court holiday prescribed for the court which is to determine the question of bail, unless that court is sitting on that day for the disposal of criminal business) after the day of”.
- (3) In section 177 (procedure where applicant in custody) of that Act, in subsection (2), for the words “within 24 hours after such application has been” there is substituted “before the end of the day (not being a Saturday or Sunday, or a court holiday prescribed for the court which is to determine the question of bail, unless that court is sitting on that day for the disposal of criminal business) after the day on which the application is”.
- (4) In section 200 (remand for enquiry into physical or mental condition) of that Act—

Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 6. (See end of Document for details)

- (a) in subsection (9)—
 - (i) after the word “appeal” in the first and second places where it occurs there is inserted “ to the High Court by note of appeal ”,
 - (ii) the words “by note of appeal presented to the High Court” are repealed,
 - (b) after that subsection there is added—
 - “(9A) A note of appeal under subsection (9) above is to be—
 - (a) lodged with the clerk of the court from which the appeal is to be taken; and
 - (b) sent without delay by that clerk (where not the Clerk of Justiciary) to the Clerk of Justiciary.”.
- (5) In section 201 (power of court to adjourn case before sentence) of that Act—
- (a) in subsection (4)—
 - (i) after the word “appeal” in the first place where it occurs there is inserted “ to the High Court ”,
 - (ii) the words “presented to the High Court” are repealed,
 - (b) after that subsection there is added—
 - “(5) A note of appeal under subsection (4) above is to be—
 - (a) lodged with the clerk of the court from which the appeal is to be taken; and
 - (b) sent without delay by that clerk (where not the Clerk of Justiciary) to the Clerk of Justiciary.”.
- (6) In section 245J (breach of certain orders: adjourning hearing and remanding in custody etc.) of that Act—
- (a) in subsection (5), for the words “by note of appeal presented to the High Court, who” there is substituted “ to the High Court by note of appeal, and the High Court ”,
 - (b) after that subsection there is added—
 - “(6) A note of appeal under subsection (5) above is to be—
 - (a) lodged with the clerk of the court from which the appeal is to be taken; and
 - (b) sent without delay by that clerk (where not the Clerk of Justiciary) to the Clerk of Justiciary.”.

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