



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART III

BAIL

[^{F1}22A Consideration of bail on first appearance

(1) On the first occasion on which—

- (a) a person accused on petition is brought before the sheriff prior to committal until liberated in due course of law; or
- (b) a person charged on complaint with an offence is brought before a judge having jurisdiction to try the offence,

the sheriff or, as the case may be, the judge shall, after giving that person and the prosecutor an opportunity to be heard ^{F2}. . . , either admit or refuse to admit that person to bail.

[^{F3}(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.]

(3) If, by [^{F4}that time] , the sheriff or judge has not admitted or refused to admit the person accused or charged to bail, then that person shall be forthwith liberated.

(4) This section applies whether or not the person accused or charged is in custody when that person is brought before the sheriff or judge.]

Textual Amendments

F1 S. 22A inserted before s. 23 (9.8.2000) by 2000 asp 9, s. 1

F2 Words in s. 22A(1) repealed (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 6(1)(a), 84; S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)

Status: Point in time view as at 12/10/2009.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 22A is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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| <p>F3 S. 22A(2) substituted (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 6(1)(b), 84; S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)</p> <p>F4 Words in s. 22A(3) substituted (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 6(1)(c), 84; S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)</p> |
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