



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART III

BAIL

[^{F1}32A Bail after conviction: prosecutor's attitude

- (1) Where—
 - (a) a person has been convicted in any proceedings of an offence; and
 - (b) a question of bail (including as to bail conditions) subsequently arises in the proceedings (whether before sentencing or pending appeal or otherwise),the prosecutor and the convicted person must be given an opportunity to make submissions in relation to the question.
- (2) But the attitude of the prosecutor towards the question does not restrict the court's exercise of its discretion in determining the question in accordance with the rules applying in the case.
- (3) Despite subsection (1) above, the prosecutor need not be given an opportunity to make submissions in relation to a question of bail arising under section 245J of this Act.
- (4) This section is without prejudice to any other right of the parties to be heard.]

Textual Amendments

- F1** S. 32A inserted (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), **ss. 5**, **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Point in time view as at 06/11/2019.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 32A 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.