

*These notes relate to the Bail, Judicial Appointments etc. (Scotland)
Act 2000 (asp 9) which received Royal Assent on 9 August 2000*

BAIL, JUDICIAL APPOINTMENTS ETC. (SCOTLAND) ACT 2000

EXPLANATORY NOTES

THE ACT

Part 1 – Bail

Section 3 (Removal of restrictions on bail)

15. **Section 3** removes the existing statutory restrictions in sections 24 and 26 of the 1995 Act which prevented a sheriff from considering bail for certain serious offences. Although the High Court or the Lord Advocate had (and still have) power to grant bail for any crime or offence, the sheriff had no power to grant bail for any person charged with murder or treason or for any person charged with attempted murder, culpable homicide, rape or attempted rape who had a previous conviction for any of those offences, murder or manslaughter. Subsection (1) removes the exclusion in section 24 of the 1995 Act applying to the crimes of murder and treason. Subsection (2) repeals section 26 of the 1995 Act so as to remove the exclusions which apply to other serious offences.