



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

^{F1}PROCEDURE PRIOR TO TRIAL

^{F1} *Arrest, Judicial Examination, Custody, Bail, Etc.*

Textual Amendments

- F1** Act repealed (S.) (1.4.1996) by [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995](#) (c. 40), s. 6(1), [Sch. 5](#) (with ss. 4, 6(2), [Sch. 3](#) paras. 3, 16, [Sch. 6](#))

^{F1}12 **Petitions for Warrants.**

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^{F1}13 **Warrants for arrest of escaped prisoners and mental patients.**

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^{F1}14 **Warrant to search for or remove a child.**

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^{F1}15 **Warrants granted by justice may be executed throughout Scotland.**

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^{F1}15A **Warrants for search and apprehension to be signed by judge.**

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Changes to legislation: Criminal Procedure (Scotland) Act 1975, Cross Heading: Arrest, Judicial Examination, Custody, Bail, Etc. is up to date with all changes known to be in force on or before 17 June 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) View outstanding changes

[^{F1}16 Backing of certain warrants from the Isle of Man.

- (1) A warrant issued in the Isle of Man for the arrest of a person charged with an offence may, after it has been endorsed by a justice in Scotland, be executed there by the person bringing that warrant, by any person to whom the warrant was originally directed or by any officer of law of the sheriff court district where the warrant has been endorsed as aforesaid in like manner as any such warrant issued in Scotland.
- (2) In this section “endorsed” means endorsed in the like manner as a process to which section 4 of the ^{M1}Summary Jurisdiction (Process) Act 1881 applies.]

<p>Marginal Citations</p> <p>M1 1881 c. 24(36:3).</p>

^{F1}17

^{F1}18 **Power of constable to take offenders into custody.**
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^{F1}19 **Prisoners before examination to have access to solicitor.**
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^{F1}20 **Accused at examination need not emit a declaration.**
.....

^{F1}20A **Accused at examination may be questioned by prosecutor.**
.....

^{F1}20B **Record to be made of proceedings at examination.**
.....

^{F1}21 **Examination of accused on charges arising in different districts.**
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^{F1}22 **Committal until liberation in due course of law.**
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^{F1}23 **Remand and committal of persons under 21.**
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- F124 Committal of children to custody in place of safety.**
.....
- F125 Power of court to commit to hospital a person suffering from mental disorder.**
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- F126 Bail competent before committal.**
.....
- F127 Renewal of application for bail after committal.**
.....
- F128 Admission or refusal of bail after committal.**
.....
- F128A No bail for persons charged with or convicted of homicide or rape after previous conviction of such offences.**
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- F129**
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- F130 Application for review of court's decision on bail and caution.**
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- F130A Application by prosecutor for review of court's decision to grant bail.**
.....
- F131 Appeal in respect of bail.**
.....
- F132 No fees exigible against accused in respect of application for bail.**
.....
- F133 Liberation of applicant when appeal by public prosecutor.**
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F134

F135 **Right of Lord Advocate and High Court to admit a person to bail.**
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F136

F137 **Power to order parent to give security for child’s good behaviour.**
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F138 **Separation of children from adults at courts, etc.**
.....

F139 **Attendance at court of parent of child charged with an offence, etc.**
.....

F140 **Notice to local authority of charge against a child.**
.....

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- [Act certain function transferred. by 1994 c. 39 s. 127\(1\)128](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 168\(c\)\(ii\) amended \(prosp.\) by 1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(6\)\(b\)](#)
- [s. 364\(c\)\(ii\) amended \(prosp.\) by 1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(14\)\(b\)](#)
- [s. 413\(3\) \(defn.of "the appropriate local authority"\) para. \(a\)\(b\) amended by 1994 c. 39 Sch. 13 para. 97\(5\)](#)
- [s. 413\(3\) \(defns. of "care" and "the 1968 Act"\) repealed \(prosp.\) by 1995 c. 36 s. 105\(4\)\(5\)Sch. 4 para. 24\(17\)\(b\)\(i\)Sch. 5](#)
- [s. 462 \(defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement"\) amended \(prosp.\) by 1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(18\)](#)
- [s. 462 \(defns. of "crime" and "prosecutor"\) applied \(prosp.\) by 1995 c. 36 s. 53\(7\)](#)