



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART III

#### BAIL

#### 23 Bail applications.

- (1) Any person accused on petition of a crime <sup>F1</sup> . . . shall be entitled immediately, on any [<sup>F2</sup>(other than the first)]occasion on which he is brought before the sheriff prior to his committal until liberated in due course of law, to apply to the sheriff for bail, and the prosecutor shall be entitled to be heard against any such application.
- (2) The sheriff shall be entitled in his discretion to refuse such application before the person accused is committed until liberated in due course of law.
- (3) Where an accused is admitted to bail without being committed until liberated in due course of law, it shall not be necessary so to commit him, and it shall be lawful to serve him with an indictment or complaint without his having been previously so committed.
- (4) Where bail is refused before committal until liberation in due course of law on an application under subsection (1) above, the application for bail may be renewed after such committal.
- (5) Any sheriff having jurisdiction to try the offence or to commit the accused until liberated in due course of law may, at his discretion, on the application of any person who has been committed until liberation in due course of law for any crime or offence, <sup>F3</sup> . . ., and having given the prosecutor an opportunity to be heard, admit or refuse to admit the person to bail.
- [<sup>F4</sup>(6) Any person charged on complaint with an offence shall, on any (other than the first) occasion on which he is brought before a judge having jurisdiction to try the offence, be entitled to apply to the judge for bail and the prosecutor shall be entitled to be heard against any such application.]

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*Status: Point in time view as at 01/12/2004. This version of this provision has been superseded.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 23 is up to date with all changes known to be in force on or before 29 July 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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- (7) An application under subsection (5) or (6) above shall be disposed of within 24 hours after its presentation to the judge, failing which the accused shall be forthwith liberated.
- (8) This section applies whether or not the accused is in custody at the time he appears for disposal of his application.

#### **Textual Amendments**

- F1** Words in s. 23(1) repealed (9.8.2000) by 2000 asp 9, s. 12, **Sch. para. 7(1)(a)(i)**
- F2** Words in s. 23(1) inserted (9.8.2000) by 2000 asp 9, s. 12, **Sch. para. 7(1)(a)(ii)**
- F3** Words in s. 23(5) repealed (9.8.2000) by 2000 asp 9, s. 12, **Sch. para. 7(1)(b)**
- F4** S. 23(6) substituted (9.8.2000) by 2000 asp 9, s. 12, **Sch. para. 7(1)(c)**

**Status:**

Point in time view as at 01/12/2004. This version of this provision has been superseded.

**Changes to legislation:**

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