



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PART II

SUMMARY PROCEDURE

Procedure prior to trial

[^{F1}295 Interim liberation by officer in charge of police station.

- (1) Where a person has been arrested and charged with an offence which may be tried summarily, the officer in charge of a police station may—
 - (a) liberate him upon a written undertaking, signed by him and certified by the said officer, in terms of which that person undertakes to appear at a specified court at a specified time; or
 - (b) liberate him without any such undertaking; or
 - (c) refuse to liberate him, and such refusal and the detention of that person until his case is tried in the usual form shall not subject the officer to any claim whatsoever.
- (2) A person in breach of an undertaking given by him under subsection (1) above without reasonable excuse shall be guilty of an offence and liable on summary conviction to the following penalties—
 - (a) a fine not exceeding [^{F2}level 3 on the standard scale]; and
 - (b) imprisonment for a period—
 - (i) where conviction is in the district court, not exceeding 60 days; or
 - (ii) where conviction is in the sheriff court, not exceeding 3 months.
- (3) Subsections (4) and (5) of section 294 of this Act shall, subject to any necessary modifications, apply for the purposes of this section as they apply for the purposes of that section.]

Status: Point in time view as at 03/02/1995. This version of this provision has been superseded.

Changes to legislation: Criminal Procedure (Scotland) Act 1975, Section 295 is up to date with all changes known to be in force on or before 23 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)

Textual Amendments

- F1** S. 295 substituted by [Bail etc. \(Scotland\) Act 1980 \(c. 4\), s. 8](#)
- F2** Words substituted by virtue of [Criminal Procedure \(Scotland\) 1975 \(c. 21, SIF 39:1\), s. 289G](#)

Modifications etc. (not altering text)

- C1** S. 295(1) excluded by [Prevention of Terrorism \(Temporary Provisions\) Act 1984 \(c. 8, SIF 39:2\), s. 12\(7\)](#)
- C2** S. 295(1) excluded by [Prevention of Terrorism \(Temporary Provisions\) Act 1989 \(c. 4, SIF 39:2\), s. 15\(8\)](#)

Status:

Point in time view as at 03/02/1995. This version of this provision has been superseded.

Changes to legislation:

Criminal Procedure (Scotland) Act 1975, Section 295 is up to date with all changes known to be in force on or before 23 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.