

## SCHEDULES

### SCHEDULE 1

Section 12(2).

#### CONSEQUENTIAL AMENDMENTS

##### *The Licensing (Scotland) Act 1903 (c.25)*

1 In section 70(1) (penalties for drunkenness, riotous behaviour and other offences involving drunkenness)—

- (a) in the first paragraph after " custody " where it occurs for the second time insert " , such day not being a Saturday, a Sunday or a court holiday prescribed for that court under section 10 of the Bail etc. (Scotland) Act 1980, ";
- (b) at the end of the first paragraph insert—

“Provided that nothing in this paragraph of this subsection shall prevent such person being brought before the court on a Saturday, a Sunday or a court holiday prescribed for that court under the said section 10 where the court is in pursuance of that enactment sitting on such day for the disposal of criminal business.”.

##### *The District Courts (Scotland) Act 1975 (c.20)*

2 In section 2(1) (district of, and exercise of jurisdiction by, district court), after " sits, and " insert—

“subject to section 10 of the Bail etc. (Scotland) Act 1980 (sittings of sheriff and district courts)”.

##### *The Criminal Procedure (Scotland) Act 1975 (c.21)*

3 In section 26(2) (bail competent before committal), for the words from " liberation " to " him " substitute " bail ".

4 In section 30(2) (application for review), for " at a lower amount" substitute " on different conditions ".

5 In section 180(2) (remand for inquiry into physical or mental condition), for " bond " wherever it occurs substitute " order granting bail ".

6 In section 299(2) (application for review), for " at a lower amount " substitute " on different conditions ".

7 In section 321(3) (warrants of apprehension and search), for " public or local holiday " substitute " Saturday, a Sunday or a court holiday prescribed for that court under section 10 of the Bail etc. (Scotland) Act 1980:

Provided that nothing in this subsection shall prevent such person being brought before the court on a Saturday, a Sunday or such a court holiday where the court is,

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- in pursuance of the said section 10, sitting on such day for the disposal of criminal business."
- 8 In section 337(d) (plea of not guilty), for " without" to the end substitute " if he is not granted bail or until the accused or a cautioner on his behalf has deposited a sum of money in court where such deposit has been required as a condition of release on bail under section 1(3) of the Bail etc. (Scotland) Act 1980 ; "
- 9 In section 381(2) (remand for inquiry into physical or mental condition), for " bond " wherever it occurs substitute " order granting bail ".
- 10 In section 444(5) (manner and time of appeal), for "interim liberation " substitute " bail ".
- 11 In section 446 (procedure where appellant in custody)—
- (a) for " interim liberation " and " liberation " wherever they occur substitute " bail ";
- (b) in each of subsections (2) and (3), for " amount of caution fixed " substitute " conditions imposed ".
- 12 In section 448(8) (adjustment and signature of case), for " interim liberation " substitute " bail ".
- 13 In section 452(5) (hearing of appeal), for " interim liberation " substitute " bail ".
- 14 In section 462(1) (interpretation), for the definition of " bail" substitute " ' bail' means release of an accused or an appellant on conditions, or conditions imposed on bail, as the context requires ; "
- 15 In paragraph 4 of Schedule 3, after " day " wherever it occurs insert " , not including a Saturday, a Sunday or a court holiday prescribed for that court under section 10 of the Bail etc. (Scotland) Act 1980. ".

## SCHEDULE 2

Section 12(3).

## REPEALS

Chapter	Short Title	Extent of Repeal
<a href="#">3 Edw. 7. c. 25.</a>	The Licensing (Scotland) Act 1903.	In section 70(1), in the first paragraph, the word "lawful".
<a href="#">1975 c. 21.</a>	The Criminal Procedure (Scotland) Act 1975.	Section 29. Section 30(5). Section 34. Section 36. In section 180, in subsection (2) the words " bail shall be found by bail bond, and," and subsection (3).

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Chapter	Short Title	Extent of Repeal
		<p>In section 296(1) the words from " or on bail" to the second " hearing of the charge ".</p> <p>Section 299(5).</p> <p>Section 301.</p> <p>Section 302.</p> <p>Section 303(2) and (3).</p> <p>In section 321(3) the word "lawful".</p> <p>In section 337(a) the word "or".</p> <p>Section 337(e).</p> <p>Section 338(d).</p> <p>In section 381, in subsection (2) the words " bail shall be found by bail bond, and", and subsection (3).</p> <p>In section 446, in subsection (1) the words " as to caution or otherwise " and " or may dispense with further consignment or caution ".</p> <p>In paragraph 4 of Schedule 3 the word " lawful " wherever it occurs.</p>