



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART III

#### BAIL

#### [<sup>F1</sup>23A Bail and liberation where person already in custody

- (1) A person may be admitted to bail under section 22A , [<sup>F2</sup>23, 65(8C) or 107A(7)(b)] of this Act although in custody—
  - (a) having been refused bail in respect of another crime or offence; or
  - (b) serving a sentence of imprisonment.
- (2) A decision to admit a person to bail by virtue of subsection (1) above does not liberate the person from the custody mentioned in that subsection.
- (3) The liberation under section [<sup>F3</sup>22A(3), 23(7) or 107A(7)(b)] of this Act of a person who may be admitted to bail by virtue of subsection (1) above does not liberate that person from the custody mentioned in that subsection.
- (4) In subsection (1) above, “another crime or offence” means a crime or offence other than that giving rise to the consideration of bail under section 22A , [<sup>F4</sup>23, 65(8C) or 107A(7)(b)] of this Act.]

#### Textual Amendments

- F1** S. 23A inserted (9.8.2000) by 2000 asp 9, s. 2
- F2** Words in s. 23A(1) substituted (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), sch. 7 para. 35(a); S.S.I. 2011/178, art. 2, sch.
- F3** Words in s. 23A(3) substituted (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), sch. 7 para. 35(b); S.S.I. 2011/178, art. 2, sch.
- F4** Words in s. 23A(4) substituted (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), sch. 7 para. 35(a); S.S.I. 2011/178, art. 2, sch.

**Status:**

Point in time view as at 26/12/2023.

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 23A is up to date with all changes known to be in force on or before 21 September 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.