



Criminal Appeal (Scotland) Act 1926

1926 CHAPTER 15

9 Admission of appellant to bail, and custody when attending Court

- (1) The Court may, if it seems fit, on the application of an appellant, admit the appellant to bail pending the determination of his appeal.
- (2) An appellant who is admitted to bail shall, unless the Court otherwise directs, appear personally in Court on the day or days fixed for the hearing of his appeal or application for leave to appeal. In the event of the appellant failing so to appear, the Court may decline to consider the appeal or application, and may dismiss it summarily or may consider and determine it or make such other order as they think fit.
- (3) An appellant who is not admitted to bail shall, pending the determination of his appeal, be treated in such manner as may be directed by rules made under the Prisons (Scotland) Act, 1877.
- (4) The time during which an appellant, pending the determination of his appeal, is admitted to bail, and subject to any directions which the Court may give to the contrary on any appeal, the time during which the appellant, if in custody, is specially treated as an appellant under this section, shall not count as part of any term of imprisonment or penal servitude under his sentence, and, in the case of an appeal under this Act, any imprisonment or penal servitude under the sentence of the appellant, whether it is the sentence passed by the court of trial or the sentence passed by the Court on appeal shall, subject to any directions which may be given by the Court as aforesaid, be deemed to be resumed or to begin to run, as the case requires, if the appellant is in custody, as from the day on which the appeal is determined, and, if he is not in custody, as from the day on which he is received into prison under the sentence.
- (5) Provision shall be made by rules under the Prisons (Scotland) Act, 1877, for the manner in which an appellant, when in custody, is to be brought to any place at which he is entitled to be present for the purposes of this Act, or to any place to which the Court or any judge thereof may order him to be taken for the purpose of any proceedings of the Court, and for the manner in which he is to be kept in custody while absent from prison for the purpose; and an appellant whilst in custody in accordance with those rules shall be deemed to be in legal custody.