



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART III

#### BAIL

#### 24 Bail and bail conditions.

- (1) All crimes and offences <sup>F1</sup> . . . are bailable.
- (2) Nothing in this Act shall affect the right of the Lord Advocate or the High Court to admit to bail any person charged with any crime or offence.

[<sup>F2</sup>(2A) Whenever the court grants or refuses bail, it shall state its reasons.

(2B) Where the court—

- (a) grants bail to a person accused of a sexual offence (having the meaning given by section 210A(10) and (11) of this Act); and
- (b) does so without imposing on the accused further conditions under subsection (4)(b)(i) below,

the court shall also state why it considers in the circumstances of the case that such conditions are unnecessary.]

- (3) It shall not be lawful to grant bail or release for a pledge or deposit of money, and—
  - (a) release on bail may be granted only on conditions which subject to subsection (6) below, shall not include a pledge or deposit of money;
  - (b) liberation may be granted by the police under [<sup>F3</sup>section 25 of the Criminal Justice (Scotland) Act 2016].
- (4) In granting bail the court or, as the case may be, the Lord Advocate shall impose on the accused—
  - (a) the standard conditions; and
  - (b) such further conditions as the court or, as the case may be, the Lord Advocate considers necessary to secure—
    - (i) that the standard conditions are observed; <sup>F4</sup>...

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*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 24 is up to date with all changes known to be in force on or before 10 May 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) View outstanding changes*

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<sup>F4</sup>(ii) .....

- (5) The standard conditions referred to in subsection (4) above are conditions that the accused—
- (a) appears at the appointed time at every diet relating to the offence with which he is charged of which he is given due notice; [<sup>F5</sup> or at which he is required by this Act to appear]
  - (b) does not commit an offence while on bail;
  - (c) does not interfere with witnesses or otherwise obstruct the course of justice whether in relation to himself or any other person; <sup>F6</sup> . . .
  - [<sup>F7</sup>(ca) does not behave in a manner which causes, or is likely to cause, alarm or distress to witnesses;]
  - [<sup>F8</sup>(cb) whenever reasonably instructed by a constable to do so—
    - (i) participates in an identification parade or other identification procedure; and
    - (ii) allows any print, impression or sample to be taken from the accused;]
  - (d) makes himself available for the purpose of enabling enquiries or a report to be made to assist the court in dealing with him for the offence with which he is charged [<sup>F9</sup>; and
  - (e) where the (or an) offence in respect of which he is admitted to bail is one [<sup>F10</sup>listed in subsection (7A)(b)], does not seek to obtain, otherwise than by way of a solicitor, any precognition of or statement by the complainer in relation to the subject matter of the offence.]
- (6) The court or, as the case may be, the Lord Advocate may impose as one of the conditions of release on bail a requirement that the accused or a cautioner on his behalf deposits a sum of money in court, but only where the court or, as the case may be, the Lord Advocate is satisfied that the imposition of such condition is appropriate to the special circumstances of the case.
- [<sup>F11</sup>(6A) Subsection (6) above does not apply in relation to an accused admitted to bail under section 65(8C) of this Act.]
- (7) In any enactment, including this Act and any enactment passed after this Act—
- (a) any reference to bail shall be construed as a reference to release on conditions in accordance with this Act or to conditions imposed on bail, as the context requires;
  - (b) any reference to an amount of bail fixed shall be construed as a reference to conditions, including a sum required to be deposited under subsection (6) above;
  - (c) any reference to finding bail or finding sufficient bail shall be construed as a reference to acceptance of conditions imposed or the finding of a sum required to be deposited under subsection (6) above.
- [<sup>F12</sup>(7A) For the purpose of subsection (5)(e)—
- (a) “complainer” means the person against whom the offence is alleged to have been committed,
  - (b) the list is—
    - (i) an offence to which section 288C applies (certain sexual offending),
    - (ii) an offence to which section 288DC applies (domestic abuse cases).]

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- (8) In this section and sections 25 and 27 to 29 of this Act, references to an accused and to appearance at a diet shall include references respectively to an appellant and to appearance at the court on the day fixed for the hearing of an appeal.

#### Textual Amendments

- F1** Words in s. 24(1) repealed (9.8.2000) by 2000 asp 9, s. 3(1)
- F2** S. 24(2A)(2B) inserted (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 2(1)(a), 84; S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)
- F3** Words in s. 24(3)(b) substituted (25.1.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential and Supplementary Modifications) Regulations 2017 (S.S.I. 2017/452), reg. 1, sch. para. 12(2) (with reg. 2(2))
- F4** S. 24(4)(b)(ii) and preceding word repealed (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 58(a), 206(1); S.S.I. 2011/178, art. 2, sch.
- F5** Words in s. 24(5)(a) inserted (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5), ss. 25, 27(1), Sch. para. 5(a); S.S.I. 2004/405, art. 2 Sch. 1 (subject to arts. 3-5)
- F6** Word in s. 24(5) repealed (1.11.2002) by Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 (asp 9), s. 5(1)(a); S.S.I. 2002/443, art. 3
- F7** S. 24(5)(ca) inserted (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 2(1)(c), 84; S.S.I. 2007/479, art. 3(1), Sch. (as amended by S.S.I. 2007/527)
- F8** S. 24(5)(cb) inserted (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 58(b), 206(1); S.S.I. 2011/178, art. 2, sch.
- F9** S. 24(5)(e) and preceding word inserted (1.11.2002) by Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 (asp 9), s. 5(1)(b); S.S.I. 2002/443, art. 3
- F10** Words in s. 24(5)(e) substituted (1.4.2019) by Domestic Abuse (Scotland) Act 2018 (asp 5), s. 15(2), sch. para. 2(2)(a); S.S.I. 2018/387, reg. 2 (with reg. 6)
- F11** S. 24(6A) inserted (1.2.2005) by Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5), ss. 25, 27(1), Sch. para. 5(b); S.S.I. 2004/405, art. 2 Sch. 1 (subject to arts. 3-5)
- F12** S. 24(7A) substituted (1.4.2019) by Domestic Abuse (Scotland) Act 2018 (asp 5), s. 15(2), sch. para. 2(2)(b); S.S.I. 2018/387, reg. 2 (with reg. 6)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 24(2B)(a) words substituted by [2023 asp 4 s. 4\(3\)](#)
- s. 24(8) words inserted by [2023 asp 4 s. 4\(5\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to [legislation.gov.uk. 1997 c. 48, s. 1](#) repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); [S.S.I. 2003/288, art. 2, Sch.](#))
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to [legislation.gov.uk. 1997 c. 48, s. 1](#) repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); [S.S.I. 2003/288, art. 2, Sch.](#))