1967 No. 1289 (C.24) (S.106)

CRIMINAL PROCEDURE, SCOTLAND

The Criminal Justice Act 1967 (Commencement) (Scotland) Order 1967

Made - - - *24th August* 1967

In exercise of the powers conferred on me by section 106(5) of the Criminal Justice Act 1967(a), I hereby make the following Order:—

1. The provisions of the Criminal Justice Act 1967 specified in Column 1 of Schedule 1 to this Order, in so far as relating to courts-martial and appeals therefrom, shall come into operation on the dates mentioned in Column 2 of the said Schedule.

2. The provisions of the Criminal Justice Act 1967 specified in Schedules 2 to 6 to this Order shall come into operation on the dates mentioned in the headings of those Schedules.

3. This Order, which shall extend to Scotland only, may be cited as the Criminal Justice Act 1967 (Commencement) (Scotland) Order 1967.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
24th August 1967.

(a) 1967 c. 80.

SCHEDULE 1

Provisions of the Act	Date of coming into operation in so far as relating to courts-martial and appeals therefrom
Section 9 Section 10 Section 11 Section 12	1st January 1968
Section 73 Section 74 Section 75 Section 76 Section 77 Section 78 Section 79 Section 80 Section 81 Section 82 Section 83 Section 84	1st October 1968
Section 89 Section 90	1st January 1968
Section 98 Paragraph 16 of Schedule 4	1st April 1968
Section 103 Part II of Schedule 7	1st October 1967

SCHEDULE 2

PROVISIONS COMING INTO FORCE 1ST OCTOBER 1967

Provisions of the Act	Subject matter of provisions
Section 38(7)	Supplementary provision as to persistent offenders.
Section 54(6) to (8)	Miscellaneous provisions as to probation orders.
Section 59	Constitution and functions of Parole Board and local review committees.
Section 68	Consideration of time spent in custody in passing sentence in Scotland.
Section 69	Extension of enactments relating to persons sentenced to imprisonment or detention to young persons sentenced to detention.
Section 70	Prisoner transferred from Scotland to England for security.
Section 72	Power to issue warrants for arrest of escaped prisoners and mental patients.
Section 100	Regulations, rules and orders.
Section 102	Transitional provisions and savings.
Section 103	Minor and consequential repeals.
Section 104	General provisions as to interpretation.
Section 106	Short title commencement and extent.
Schedule 2	Provisions as to Parole Board and local review committees.
Paragraphs 7, 10 to 12 and 14 of Schedule 5	Transitional provisions and savings.
So much of Part II of Schedule 7 as is set out in the Appendix hereto.	Repeals.

APPENDIX TO SCHEDULE 2

Chapter	Short Title	Extent of Repeal
4 & 5 Geo. 5 c. 58	The Criminal Justice Administration Act 1914	Section 27.
11 & 12 Geo. 6 c. 58	The Criminal Justice Act 1948	In section 9 (as substituted by the Criminal Justice (Scotland) Act 1949(a)), subsection (3) and in subsection (4) the words " to (3) ".
12, 13 & 14 Geo. 6 c. 94	The Criminal Justice (Scotland) Act 1949	Section 7(3). In Schedule 11, the amendment of section 23 of the Criminal Justice Act 1948 (b).

(a) 1949 c. 94. (b) 1948 c. 58.

SCHEDULE 3

PROVISIONS COMING INTO FORCE 1ST JANUARY 1968

Provisions of the Act	Subject matter of provisions
Section 3	Restrictions on reports of committal proceedings.
Section 42(3) and (7)	Notice of conviction in Scotland of offender on suspended sentence imposed by court in England and application of section 4 of the Summary Jurisdiction (Process) Act 1881(a).
Section 48	Enforcement of payment of fines, etc.
Section 92	Increase of fines.
Section 93(3) and (4)	Alteration of maximum periods of imprisonment in default of payment of fines, etc.
Schedule 3	Increase of fines.
So much of Schedule 6 as is specified in the Appendix hereto	Minor and consequential amendments.

APPENDIX TO SCHEDULE 3

Provision of Schedule 6	Enactment amended
Paragraph 21	Section 44 of the Summary Jurisdiction (Scotland) Act 1954(b).

(a) 1881 c. 24.

(b) 1954 c. 48.

SCHEDULE 4

PROVISIONS COMING INTO FORCE 1ST APRIL 1968

Provisions of the Act	Subject matter of provisions
Section 60	Release on licence of persons serving determinate sentences.
Section 61	Release on licence of persons sentenced to imprisonment for life, etc.
Section 62	Revocation of licences and conviction of prisoners on licence.
Section 64	Provision supplemental to sections 60 to 63 of the Criminal Justice Act 1967.
So much of Schedule 6 as is specified in Appendix A hereto	Minor and consequential amendments.
So much of Part II of Schedule 7 as is set out in Appendix B hereto	Repeals.

APPENDIX A TO SCHEDULE 4

Provision of Schedule 6	Enactment amended
Paragraph 22	Section 4(1) of the Geneva Conventions Act 1957(a).
Paragraph 24	Section 32(2) of the Criminal Justice Act 1961(b).
Paragraph 26	Section 12(1) of the Criminal Justice (Scotland) Act 1963(c).

APPENDIX B TO SCHEDULE 4

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6 & 1 Eliz. 2 c. 61	The Prisons (Scotland) Act 1952	Section 20(2) to (6). Section 21.
1963 c. 39	The Criminal Justice (Scotland) Act 1963	In Schedule 5, the amendment of section 32(2) of the Criminal Justice Act 1961. In Schedule 6, the reference to section 20(2) to (6) of the Prisons (Scotland) Act 1952.
1965 c. 71	The Murder (Abolition of Death Penalty) Act 1965	Section 2.

(a) 1957 c. 52. (b) 1961 c. 39. (c) 1963 c. 39.

SCHEDULE 5

PROVISIONS COMING INTO FORCE 1ST MAY 1968

Provisions of the Act	Subject matter of provisions
Section 85	Prohibition on possessing or acquiring a shot gun with a certificate.
Section 86	Restrictions on gifts of shot guns.
Section 87	Amendment of enactments relating to firearms.
Section 88	Supplemental provision about firearms.
So much of Part II of Schedule 7 as is set out in the Appendix hereto	Repeals.

APPENDIX TO SCHEDULE 5

Chapter	Short Title	Extent of Repeal
1965 c. 44	The Firearms Act 1965	In section 9(2), the words from " and (*b*) " onwards.

SCHEDULE 6

PROVISIONS COMING INTO FORCE 1ST OCTOBER 1968

Provisions of the Act	Subject matter of provisions
So much of Part II of Schedule 7 as is set out in the Appendix hereto	Repeals.

APPENDIX TO SCHEDULE 6

Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6 c. 46	The Courts-Martial (Appeals) Act 1951	Section 10. Section 21(*c*).
8 & 9 Eliz. 2 c. 65	The Administration of Justice Act 1960	In Schedule 1, paragraph 3(2).

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order brings into force certain provisions of the Criminal Justice Act 1967 which are set out in the Order and Schedules thereto. The Order extends only to Scotland.