1983 No. 758 (C.22) (S.67)

CRIMINAL LAW, SCOTLAND

The Criminal Justice Act 1982 (Scotland) (Commencement No. 2) Order 1983

Made - - - 16*th May* 1983

In exercise of the powers conferred on me by section 80(2) of the Criminal Justice Act 1982(**a**) and of all other powers enabling me in that behalf, I hereby make the following order:—

1.—(1) This order may be cited as the Criminal Justice Act 1982 (Scotland) (Commencement No.2) Order 1983.

(2) This order shall extend to Scotland only.

2. The provisions of the Criminal Justice Act 1982 specified in the Schedule to this order shall come into operation in Scotland on 24th May 1983.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh,
16th May 1983.

(**a**) 1982 c.48.

SCHEDULE

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1982
COMING INTO OPERATION IN SCOTLAND ON 24TH MAY 1983

Provisions of the Act	Subject matter of provisions
Section 58.	Courts-martial and Standing Civilian Courts.
Section 68(2).	Community service orders.
Section 77 to the extent necessary to bring into operation the provisions of Schedule 14 specified below.	Minor and consequential amendments.
Section 78 to the extent necessary to bring into operation the provisions of Schedule 16 specified in the Appendix hereto.	Repeals.
Schedule 8.	Courts-martial etc.
Schedule 13.	Community Service Orders — reciprocal arrangements.
In Schedule 14—	Minor and consequential amendments.
paragraph 8(*a*)	Amendment of section 49(1) of the Prison Act 1952 (c.52).
paragraph 11	Amendment of section 26(4) to (7) of the Criminal Justice Act 1961 (c.39).
paragraph 12	Amendment of sections 29(1) and 30(3) of the Criminal Justice Act 1961 (c.39).
paragraph 13	Amendment of section 32(2) of the Criminal Justice Act 1961 (c.39).
paragraph 15	Amendment of section 38 of the Criminal Justice Act 1961 (c.39).
paragraph 16	Amendment of section 39 of the Criminal Justice Act 1961 (c.39).
paragraph 17 so far as relates to section 42(1) of the Criminal Justice Act 1961 (c.39).	Amendment of section 42(1) of the Criminal Justice Act 1961 (c.39).
paragraph 18(*a*) and (*c*)	Amendments of section 60 of the Criminal Justice Act 1967 (c.80).
paragraph 19	Amendment of section 61 of the Criminal Justice Act 1967 (c.80).
paragraph 24	Amendment of section 21 of the Firearms Act 1968 (c.27).
paragraph 29	Amendment of section 40(2)(*a*) of the Fire Precautions Act 1971 (c.40).
paragraphs 36 and 37	Amendments of section 5(1) and (2) of the Rehabilitation of Offenders Act 1974 (c.53).
paragraph 39	Amendment of section 38A of the Criminal Law Act 1977 (c.45).
So much of Schedule 16 as is specified in the Appendix hereto.	Repeals.

APPENDIX TO SCHEDULE

REPEALS TAKING EFFECT IN SCOTLAND ON 24TH MAY 1983

Chapter	Short title	Extent of repeal
61 & 62 Vict. c.36.	Criminal Evidence Act 1898.	In section 1, paragraph (*h*) of the proviso.
3 & 4 Eliz.2. c.18.	Army Act 1955.	Section 71A(2).
3 & 4 Eliz.2. c.19.	Air Force Act 1955.	Section 71A(2).
5 & 6 Eliz.2. c.53.	Naval Discipline Act 1957.	Section 43A(2).
9 & 10 Eliz.2. c.39.	Criminal Justice Act 1961.	Section 32(2) (*a*)(*c*) & (*e*). Section 38(5) (except paragraphs (*c*) and (*d*) of subsection (5)). In section 39(1), the definition of "the statutory restriction on the imprisonment of young offenders".
1967 c.80.	Criminal Justice Act 1967.	In section 60, in subsection (3), paragraph (*b*) and the word "or" immediately preceding it, the words from "Provided" to the end and subsection (5A)(*b*) and (*c*).
1973 c.62.	Powers of Criminal Courts Act 1973.	In Schedule 5, paragraph 13.
1974 c.53.	Rehabilitation of Offenders Act 1974.	In section 5(1)(*c*), the word "and".
1976 c.52.	Armed Forces Act 1976.	In section 13, the words "not exceeding 12 months".
1977 c.45.	Criminal Law Act 1977.	In Schedule 11, paragraphs 3 and 6. In Schedule 12, the entry relating to the Prison Act 1952, paragraph 2(3) and (4) of the entry relating to the Criminal Justice Act 1961 and paragraphs 7(2) and 8 of the entry relating to the Criminal Justice Act 1967.
1978 c.49.	Community Service by Offenders (Scotland) Act 1978.	Section 6(3). Schedule 1.
1980 c.62.	Criminal Justice (Scotland) Act 1980.	In Schedule 7, paragraphs 7 and 12.
S.I. 1980/1088.	Criminal Justice and Armed Forces (Northern Ireland) Consequential Amendments Order 1980.	In article 2, paragraph (1)(*a*)(ii) and (iii) and (*e*).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which extends to Scotland only, brings into operation in Scotland on 24th May 1983 the provisions of the Criminal Justice Act 1982 ('the 1982 Act') which are specified in the Schedule to the order.

This order, together with the Criminal Justice Act 1982 (Scotland) (Commencement No.1) Order 1983 (S.I. 1983/24), brings into operation the whole of the 1982 Act in so far as it applies to Scotland, with the exception of the repeal of paragraphs (*c*) and (*d*) of section 38(5) of the Criminal Justice Act 1961 (which relate principally to sentences in the Channel Islands and Isle of Man).

Provisions in the 1982 Act applying elsewhere than in Scotland are brought into force by the Criminal Justice Act 1982 (Commencement No.1) Order 1982 (S.I. 1982/1875) and the Criminal Justice Act 1982 (Commencement No. 2) Order 1983 (S.I. 1983/182).

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