STATUTORY INSTRUMENTS

1963 No. 1681 (C. 15) (S. 79)

CRIMINAL PROCEDURE, SCOTLAND

The Criminal Justice (Scotland) Act 1963 (Commencement No. 1) Order 1963

Made - - - - 2nd October 1963

In exercise of the powers conferred on me by section 55(1) of the Criminal Justice (Scotland) Act 1963(a), I hereby make the following order :—

1. This order may be cited as the Criminal Justice (Scotland) Act 1963 (Commencement No. 1) Order 1963.

2. The following provisions of the Criminal Justice (Scotland) Act 1963 (hereinafter referred to as the " Act ") shall come into force on 1st November 1963 :—

section 3 (conditions for a sentence of borstal training) ;

section 4 (term of detention and supervision under a sentence of borstal training) ;

section 6 (order for recall from post-borstal supervision on reconviction) ;

section 7 (detention in a detention centre) ;

section 16 (amendment of section 8 of Summary Jurisdiction (Scotland) Act 1954(b)) ;

section 17 (amendment of First Offenders (Scotland) Act 1960(c)) ;

section 18 (release from approved school and supervision following release) ;

section 19 (temporary removal from approved school) ;

section 20 (procedure in cases of serious misconduct in approved school) ;

section 21 (directions as to management of approved schools) ;

section 22 (constitution of managers of some approved schools) ;

section 27 (part payment of fine by prisoner convicted on indictment) ;

section 28 (increase in fine instead of imprisonment on conviction on indictment for statutory offence) ;

section 29 (remission of fine where young offender detained) ;

section 30 (previous convictions) ;

section 31 (proof of previous convictions by fingerprints) ;

section 32 (amendment of sections 65 and 71 of Summary Jurisdiction (Scotland) Act 1954) ;

section 33 (repeal of section 22 of Criminal Justice (Scotland) Act 1949(d)) ;

section 34 (warrant of search for forfeited articles) ;

(a) 1963 c. 39. (b) 2 & 3 Eliz. 2. c. 48. (c) 8 & 9 Eliz. 2. c. 23. (d) 12, 13 & 14 Geo. 6. c. 94.

section 35 (amendment of section 26 of Criminal Procedure (Scotland) Act 1887(a));

section 36 (amendment of notice of previous conviction in trial on indictment);

section 37 (bail and caution);

section 38 (backing of certain warrants from Isle of Man);

section 39 (execution of Scottish warrants in England and vice versa);

section 40 (service in Scotland of documents under Magistrates' Courts Act 1957(b));

section 41 (execution of sheriff's warrant in solemn procedure);

section 42 (repeal of section 6 of the Prevention of Crimes Act 1871(c));

section 44 (summary prosecution of robbery and assault);

section 45 (amendment of section 4 of Summary Jurisdiction (Scotland) Act 1954);

section 46 (increase in maximum period of adjournment on special cause shown);

section 47 (deferred sentence);

section 48 (legal aid in criminal proceedings);

section 49 (provision for additional judge);

section 50 (making of orders);

section 51 (interpretation);

section 52 (minor and consequential amendments and repeals); but only to the extent necessary for the consequential amendment and repeal, with any necessary savings, of the provisions in Schedules 5 and 6 to the Act which are indicated respectively in Parts 1 and 2 of the schedule hereto;

section 53 (application furth of Scotland), to the extent that it extends furth of Scotland the application of provisions of the Act brought into force by this order;

section 54 (financial provisions);

Schedule 2 (supervision of persons released from approved schools);

Schedule 4 (amendment of Legal Aid (Scotland) Act 1949(d));

Schedule 5 (minor and consequential amendments); to the extent shown in Part 1 of the schedule hereto);

Schedule 6 (enactments repealed); to the extent shown in Part 2 of the schedule hereto.

Michael Noble.
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

2nd October 1963.

(a) 50 & 51 Vict. c. 35. (b) 5 & 6 Eliz. 2. c. 29. (c) 34 & 35 Vict. c. 112.
(d) 12, 13 & 14 Geo. 6. c. 63.

SCHEDULE

PART 1 (PROVISIONS OF SCHEDULE 5 TO THE ACT)

Acts to be amended	*Provisions of Acts to be amended or replaced*
Criminal Appeal (Scotland) Act 1926	The one listed in Schedule 5.
Children and Young Persons (Scotland) Act 1937.	All those listed in Schedule 5.
Family Allowances Act 1945 ...	The one listed in Schedule 5.
Children Act 1948	The one listed in Schedule 5.
Criminal Justice (Scotland) Act 1949	All those listed in Schedule 5.
Prisons (Scotland) Act 1952	Section 9. Section 16(1). Section 33(2) and (3). The following amendments to section 33(4): for the words "one year" there shall be substituted the words "three months" and, in proviso (*a*), for the words "three years from the date of the sentence" there shall be substituted the words "one year from the date of his release".
Summary Jurisdiction (Scotland) Act 1954.	Section 4. Section 20(1). Section 21. Section 31(1). Section 45(2). Section 76(1)(*a*). Section 77.
First Offenders Act 1958	The one listed in Schedule 5.
First Offenders (Scotland) Act 1960	Section 1(3).
Mental Health (Scotland) Act 1960	Both the provisions listed in Schedule 5.

PART 2 (PROVISIONS OF SCHEDULE 6 TO THE ACT)

Enactments to be repealed

Sheriff Courts (Scotland) Act 1838 Metropolitan Police Act 1839 ... Prevention of Crimes Act 1871 ... Criminal Procedure (Scotland) Act 1887. Criminal Appeal (Scotland) Act 1926 Children and Young Persons (Scotland) Act 1937. Family Allowances Act 1945 ...	To the extent specified in Schedule 6.
Criminal Justice (Scotland) Act 1949	In section 9(5), the words quoted in Schedule 6. Sections 19 and 22. In section 39(1), the words quoted in Schedule 6. In section 70(2), the words quoted in Schedule 6. In Schedule 7, the words quoted in Schedule 6.
Magistrates' Courts Act 1952 ...	Section 119(2).
Prisons (Scotland) Act 1952 ...	In section 9 the words quoted in Schedule 6. Section 23. Section 31(4)(*a*). Schedule 1.
Summary Jurisdiction (Scotland) Act 1954.	Section 2, to the extent specified in Schedule 6. The second sentence of section 22. Section 31(5). In Schedule 1, the incorporation of sections 63 and 65 of Criminal Procedure (Scotland) Act 1887.
First Offenders (Scotland) Act 1960	Section 1(4).
Criminal Justice Act 1961	Schedules 4 and 5, to the extent specified in Schedule 6.
Road Traffic Act 1962	Section 39.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force on 1st November 1963 those provisions of the Criminal Justice (Scotland) Act 1963 which are set out in the Order or in the Schedule thereto.