STATUTORY INSTRUMENTS

# 1981 No. 444 (C. 11) (S. 40)

## CRIMINAL LAW, SCOTLAND

## The Criminal Justice (Scotland) Act 1980 (Commencement No. 2) Order 1981

*Made - - - -* 12*th March* 1981

In exercise of the powers conferred upon me by Section 84(2) of the Criminal Justice (Scotland) Act 1980(**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 (Scotland) Act 1980 (Commencement No. 2) Order 1981.

(2) In this order, "the Act" means the Criminal Justice (Scotland) Act 1980.

**2.** The provisions of the Act which are referred to in column 1 of the Schedule to this order (which relate to the matters described in column 2 of that Schedule) shall come into force on 1st April 1981.

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

New St. Andrew's House,
Edinburgh.
12th March 1981.

(a) 1980 c. 62.

## SCHEDULE

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 1981

| Column 1<br>Provisions of the Act | Column 2<br>Subject Matter of Provisions |
|---|---|
| Section 10. | Identification parades. |
| Section 33. | Solemn appeals. |
| Section 34. | Summary appeals. |
| Section 35. | Prosecution appeal by bill of advocation. |
| Section 43. | Punishment for murder. |
| Section 44. | Detention and release on licence of children convicted on indictment. |
| Sections 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67. | Compensation by offenders. |
| Section 83(1) to the extent necessary to give effect to paragraph 9 of Schedule 6. | Transitional provision. |
| Section 83(2) to the extent necessary to give effect to the paragraphs of Schedule 7 specified in Column 1 of Appendix A hereto. | Minor and consequential amendments. |
| Section 83(3) to the extent necessary to give effect to the repeal of the enactments in Schedule 8 specified in Appendix B hereto. | Repeals. |
| Section 84(5) for the purpose of extending to England and Wales section 66 (for the purposes of the construction mentioned in subsection (1) of that section) and paragraph 9 of Schedule 6. | Extension to England and Wales. |
| Section 84(6) for the purpose of extending to Northern Ireland section 66 (for the purposes of the construction mentioned in subsection (1) of that section) and paragraph 9 of Schedule 6. | Extension to Northern Ireland. |
| Schedule 2. | Solemn appeals. |
| Schedule 3. | Summary appeals. |
| In Schedule 6 paragraph 9 | Transitional provision. |
| In Schedule 7 the paragraphs specified in column 1 of Appendix A hereto (which amend the enactments specified in column 2 of that Appendix). | Minor and consequential amendments. |
| Schedule 8 to the extent specified in Appendix B hereto. | Repeals. |

## APPENDIX A

PROVISIONS OF SCHEDULE 7 TO THE ACT COMING INTO FORCE ON 1ST APRIL 1981

| Column 1<br>Provisions of Schedule 7 to the Act | Column 2<br>Enactment to be Amended |
|---|---|
| Paragraph 6(*c*). | The Prisons (Scotland) Act 1952 (c. 61). |
| Paragraphs 18 and 19(*a*). | The Criminal Justice Act 1967 (c. 80). |
| Paragraph 19(*b*) for the purpose of bringing into force section 62(12) of the Criminal Justice Act 1967**(a)** so far as relating to section 205(3) of the Criminal Procedure (Scotland) Act 1975**(b)**. | The Criminal Justice Act 1967. |
| Paragraph 23 | The Road Traffic Act 1972 (c. 20) |
| Paragraphs 24(*a*), (*b*)(i) and (*d*)(ii). | The Rehabilitation of Offenders Act 1974 (c. 53). |
| Paragraphs 32, 41, 42, 43, 44 and 45. | The Criminal Procedure (Scotland) Act 1975 (c. 21). |

**(a)** 1967 c. 80.

**(b)** 1975 c. 21.

## APPENDIX B

REPEALS IN SCHEDULE 8 TO THE ACT TAKING EFFECT ON 1ST APRIL 1981

| Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 1845 c. 33 | The Railway Clauses Consolidation (Scotland) Act 1845 | Section 144 |
| 1912 c. 14 | The Protection of Animals (Scotland) Act 1912 | Section 4 |
| 1967 c. 80 | The Criminal Justice Act 1967 | In section 60—<br>in subsection (6) the words from "—(*a*)" to "case," in paragraph (*b*); and<br>in subsection (8), in paragraph (*c*) the letter "(*a*)". |
| 1971 c. 77 | The Immigration Act 1971 | In section 6(5) the words "(*a*) except in Scotland"; and the words from "; and (*b*)" to the end. |
| 1975 c. 21 | The Criminal Procedure (Scotland) Act 1975 | Section 229<br>Section 232<br>In section 234 in each of subsections (1) and (3) the words "or an applicant for leave to appeal" and the words "or application for leave to appeal".<br>In section 236 the words "or application for leave to appeal".<br>In section 240 the words "and on an application for leave to appeal".<br>In section 245(3) the words "from the sheriff court".<br>In section 247 the words "to give leave to appeal" and the words "or of an application for leave to appeal".<br>Section 253(2)<br>In section 257 the words "or applicant" and in both places where they occur the words "or application for leave to appeal".<br>In section 263(1) the words "or an application for leave to appeal". |

| Chapter | Short Title | Extent of Repeal |
|---|---|---|
| | | In section 265(3) the words "either upon grounds of law alone, or with the certificate of the said judge upon any grounds mentioned in section 228(*b*) of this Act".<br>In section 272 the words "or of application for leave to appeal"; in the three places where they occur the words "or application for leave to appeal,"; and the words "or application" in the fourth place where they occur.<br>In section 274(1) the words "or may be authorised" and the words "or application for leave to appeal".<br>In section 277 the words "and application for leave to appeal"; the words "or application" in both places where they occur; the words "section 229"; the words "section 232"; and the words "section 233".<br>Section 444(6)<br>Section 445<br>In section 447(2) the words from "of the form" to "or".<br>Section 448(9)<br>Section 454(2)<br>In Schedule 9, paragraph 40. |

## EXPLANATORY NOTE

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

This Order brings into force on 1st April 1981 the provisions of the Criminal Justice (Scotland) Act 1980 which are referred to in Column 1 of the Schedule to the Order.

The provisions of the Act which are brought into force by this Order extend to Scotland only, with the exception of the provisions specified in the Schedule in connection with section 84(5) and (6) of the Act which also extend respectively to England and Wales and to Northern Ireland.

The provisions of the Act which remain to be brought into force are sections 2, 3, 5, 6, 12, 13, 16, 36, 45 and 51, Schedules 4 and 5 and the provisions of Schedules 6, 7 and 8 which are consequential upon the sections referred to.

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