STATUTORY INSTRUMENTS

1988 No. 482 (C.13) (S.50)

CRIMINAL LAW, SCOTLAND

The Criminal Justice (Scotland) Act 1987 (Commencement No.5) Order 1988

Made - - - - *9th March 1988*

The Secretary of State, in exercise of the powers conferred on him by section 72(2) of the Criminal Justice (Scotland) Act 1987(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Criminal Justice (Scotland) Act 1987 (Commencement No.5) Order 1988.

2. The provisions of the Criminal Justice (Scotland) Act 1987 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 1988.

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

New St. Andrew's House, Edinburgh
9th March 1988

(a) 1987 c.41.

SCHEDULE

Article 2

PROVISIONS OF THE CRIMINAL JUSTICE (SCOTLAND) ACT 1987 COMING INTO FORCE ON 1ST APRIL 1988

Column 1 *Provisions of the Act*	*Column 2* *Subject matter of provisions*
Sections 1 to 30, 32 to 44, 45(2), (3), (5), (6), (7)(c) and (f), 46 and 47.	Confiscation of proceeds of drug trafficking etc.
Section 50.	Detention in connection with certain drug smuggling offences.
Section 59.	Detention of children in summary proceedings.
Section 67.	Increases in periods of imprisonment for non-payment of fines etc.
Section 70 to the extent necessary to give effect to the provisions of Schedule 2 specified below.	Amendments and repeals.
Section 71.	Expenses.
Schedule 2, to the extent specified in the Appendix hereto.	Repeals.

APPENDIX

REPEALS IN SCHEDULE 2 TO THE CRIMINAL JUSTICE (SCOTLAND) ACT 1987 TAKING EFFECT ON 1ST APRIL 1988

Chapter	*Short title*	*Extent of repeal*
1 Edw. 8 and 1 Geo. 6 c. 37.	The Children and Young Persons (Scotland) Act 1937.	Section 58A.
1968 c.49.	The Social Work (Scotland) Act 1968.	In Schedule 2, paragraph 16.
1975 c.21.	The Criminal Procedure (Scotland) Act 1975.	Section 193B.
1985 c.73.	The Law Reform (Miscellaneous Provisions) (Scotland) Act 1985.	Section 39.
1986 c.32.	The Drug Trafficking Offences Act 1986.	In each of sections 13(1), 15(2), 16(2) and 17(2) the words "or on the Court of Session by sections 20 to 22 of this Act". Sections 20 to 23. In section 27, in subsection (1), the words "or, in Scotland, the procurator fiscal" and "or, in Scotland, the sheriff"; in each of subsections (2) and (3) the words "or, as the case may be, the sheriff"; in subsection (5), the words "or, in Scotland, the procurator fiscal"; and in subsection (6), the words "or, as respects Scotland, rules of court". In section 28, in subsection (1), the words "or, in Scotland, the procurator fiscal" and "or, in Scotland, the sheriff,"; and in subsection (2), the words "or, as the case may be, the sheriff". Section 29(3). In section 33(2), the word "or" at the end of paragraph (b). In section 40(4), paragraph (a); in paragraph (b), the references to section 7(3), to section 8(8) and (9), to section 13, to section 24(3)(a) and to sections 27 to 29; and paragraph (c).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st April 1988 the provisions of the Criminal Justice (Scotland) Act 1987 which are referred to in column 1 of the Schedule to the Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by Commencement Orders made before the date of this Order:

Provision	*Date of commencement*	*S.I. No.*
Sections 57, 70 (partially), Schedule 1 (partially) and Schedule 2 (partially).	1. 9.87	1987/1468
Sections 48, 49, 60, 64, 69 and 70 (partially), Schedule 1 (partially) and Schedule 2 (partially).	1.10.87	1987/1594
Sections 51 to 56, 58, 61 to 63, 65, 68 and 70 (partially), Schedule 1 (partially) and Schedule 2 (partially).	1. 1.88	1987/2119
Sections 31 and 45 (partially).	1. 4.88	1988/483

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