



# Criminal Justice (Scotland) Act 2016

## 2016 asp 1

### CRIMINAL JUSTICE (SCOTLAND) ACT 2016

#### PART 1

#### ARREST AND CUSTODY

#### CHAPTER 1

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*Status: Point in time view as at 10/01/2020.*

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*Offence of breaching condition*

- 1 (1) A person commits an offence if, without reasonable excuse,...

*Sentencing for the offence*

- 2 (1) A person who commits an offence under paragraph 1(1)...

*Breach by committing offence*

- 3 (1) This paragraph applies— (a) where (and to the extent...

*Matters for paragraph 3(2)(b)*

- 4 (1) For the purpose of paragraph 3(2)(b), the matters are—...

*Matters for paragraph 3(2)(c)*

- 5 (1) For the purpose of paragraph 3(2)(c), the matters are—...

*Evidential presumptions*

- 6 (1) In any proceedings in relation to an offence under...

*Interpretation*

- 7 In this schedule— (a) references to an investigative liberation condition...

SCHEDULE 2 — MODIFICATIONS IN CONNECTION WITH PART 1  
PART 1 — PROVISIONS AS TO ARREST

*Criminal Procedure (Scotland) Act 1995*

- 1 The 1995 Act is amended as follows.  
2 These provisions are repealed— (a) in section 13, subsection (7),...  
3 (1) In section 234A, subsections (4A) and (4B) are repealed....

*Miscellaneous enactments*

- 4 In section 4 of the Trespass (Scotland) Act 1865, for...  
5 In subsection (3) of section 1 of the Public Meeting...  
6 In the Firearms Act 1968, section 50 is repealed.  
7 In the Civic Government (Scotland) Act 1982—  
8 In the Child Abduction Act 1984, section 7 is repealed....  
9 In section 11 of the Protection of Badgers Act 1992,...  
10 In the Criminal Justice and Public Order Act 1994, section...  
11 In section 8B of the Olympic Symbol etc. (Protection) Act...  
12 In the Criminal Law (Consolidation) (Scotland) Act 1995—  
13 In the Deer (Scotland) Act 1996, section 28 is repealed....  
14 In section 61 of the Crime and Punishment (Scotland) Act...  
15 In section 7 of the Protection of Wild Mammals (Scotland)...  
16 In the Fireworks Act 2003— (a) in section 11A, subsection...  
17 In section 307 of the Criminal Justice Act 2003, subsection...  
18 In the Antisocial Behaviour etc. (Scotland) Act 2004—  
19 In section 130 of the Serious Organised Crime and Police...  
20 In the Animal Health and Welfare (Scotland) Act 2006, in...

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- 21 In the Prostitution (Public Places) (Scotland) Act 2007, section 2...
- 22 In section 32 of the Glasgow Commonwealth Games Act 2008,...
- 23 In section 7 of the Tobacco and Primary Medical Services...
- 24 In each of sections 169(2) and 170(2) of the Children's...
- 25 In section 9 of the Forced Marriage etc. (Protection and...

#### PART 2 — FURTHER MODIFICATIONS

##### *The 1995 Act*

- 26 The 1995 Act is amended as follows.
- 27 These provisions are repealed— (a) sections 14 to 17A,
- 28 (1) In section 18— (a) in subsection (1), the words...
- 29 In section 28— (a) after subsection (1) there is inserted—...
- 30 After section 28 there is inserted— Application of the Criminal...
- 31 In section 42— (a) subsection (3) is repealed,
- 32 In section 74, after paragraph (a) of subsection (2) there...
- 33 In section 79— (a) for subsection (2)(b)(ii) there is substituted—...
- 34 Before section 261A there is inserted— Statements made after charge...

##### *Other enactments*

- 35 In subsection (2)(a) of section 8A of the Legal Aid...
- 36 In section 6D of the Road Traffic Act 1988, for...
- 37 In Schedule 8 to the Terrorism Act 2000—
- 38 In the schedule to the Sexual Offences (Procedure and Evidence)...
- 39 In the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland)...
- 40 In the Children's Hearings (Scotland) Act 2011—
- 41 In section 20 of the Police and Fire Reform (Scotland)...

SCHEDULE 3 — POLICE NEGOTIATING BOARD FOR SCOTLAND  
SCHEDULE 2A POLICE NEGOTIATING BOARD FOR SCOTLAND  
(introduced by section...



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