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**Changes to legislation:** Criminal Justice (Scotland) Act 2016, Paragraph 30 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULE 2 MODIFICATIONS IN CONNECTION WITH PART 1

### PART 2

#### FURTHER MODIFICATIONS

##### *The 1995 Act*

30 After section 28 there is inserted—

**“28A Application of the Criminal Justice (Scotland) Act 2016 to persons arrested and detained under section 28**

- (1) Section 7(2) of the Criminal Justice (Scotland) Act 2016 (“the 2016 Act”) does not apply to an accused who has been arrested under section 28(1) of this Act.
- (2) The following provisions of the 2016 Act apply in relation to a person who is to be brought before a court under section 28(2) or (3) of this Act as they apply in relation to a person who is to be brought before a court in accordance with section 21(2) of the 2016 Act—
  - (a) section 22,
  - (b) section 23,
  - (c) section 24.
- (3) In relation to a person who is to be brought before a court under section 28(2) or (3) of this Act, the 2016 Act applies as though—
  - (a) in section 23(2)—
    - (i) for paragraph (c) there were substituted—

“(c) that the person is to be brought before the court under section 28 of the 1995 Act in order for the person's bail to be considered.”, and
    - (ii) paragraph (d) were omitted,
  - (b) in section 24—
    - (i) in subsection (3)(c), for the words “after being officially accused” there were substituted “ after being informed that the person is to be brought before a court under section 28(2) or (3) of the 1995 Act ”, and
    - (ii) in subsection (4), for paragraph (c) there were substituted—

“(c) that the person is to be brought before the court under section 28 of the 1995 Act in order for the person's bail to be considered.”,
  - (c) in section 43(1), for paragraph (d) there were substituted—

“(d) the court before which the person is to be brought under section 28(2) or (3) of the 1995 Act and the date on which the person is to be brought before that court.”.

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#### **Commencement Information**

**II** Sch. 2 para. 30 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, **sch.**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38(7)(a) words renumbered as s. 38(7)(a) by [2024 asp 5 s. 15\(6\)\(a\)](#)
- s. 38(7)(b) and word inserted by [2024 asp 5 s. 15\(6\)\(b\)](#)
- s. 41(1A) inserted by [2024 asp 5 s. 15\(7\)\(b\)](#)