
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Criminal Justice (Scotland) Act 2016 (“the 2016 Act”) on 10 January 2020.

Section 42 of the 2016 Act places a duty on the police to identify vulnerable adults in custody and to facilitate the provision of communication support for these individuals.

Section 102 of the 2016 Act provides that a person on whom functions have been conferred by sections 100 (assessment of quality of appropriate adult support) or 101 (training for appropriate adults) of that Act can make recommendations to the provider of appropriate adult services or to the Scottish Ministers in the use of their subordinate legislation making power under section 61 of that Act.

Section 103 of the 2016 Act places a duty on the Scottish Ministers to ensure that where a person has responsibility to ensure that appropriate adult services are available, there must be a person in place for the purpose of assessing those services.

Article 4 of the Order provides that section 42 of the 2016 Act only applies to persons arrested on or after the appointed day.

The Bill for the 2016 Act received Royal Assent on 13 January 2016. Sections 71, 73 to 77 and 115 to 118 came into force the following day.