



# Prisoners and Criminal Proceedings (Scotland) Act 1993

## 1993 CHAPTER 9

### PART III **E+W+S**

#### GENERAL

#### 44 Expenses. **S**

There shall be paid out of money provided by Parliament—

- (a) any sums required by the Secretary of State for defraying the expenses of the Parole Board for Scotland;
- (b) any expenses incurred by the Secretary of State under section 21(2) of this Act;
- (c) any administrative expenses incurred by the Secretary of State under this Act; and
- (d) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

#### 45 Rules and orders. **S**

- (1) The power of the Secretary of State to make rules and orders under this Act shall be exercisable by statutory instrument.
- (2) Any [<sup>F1</sup>order made under section 12AA(3) or] rule made under section 13 or 20(4) of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order shall not be made under section [<sup>F2</sup>3AA(6),] 6(3), [<sup>F3</sup>7(1A)]. . . or 27(2) of this Act unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Prisoners and Criminal Proceedings (Scotland) Act 1993. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Textual Amendments

- F1** Words in s. 45(2) inserted (8.2.2006) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\), ss. 15\(14\)\(a\), 24\(2\)](#); S.S.I. 2006/48, [art. 3\(1\)](#), Sch. Pt. 1
- F2** Words in s. 45(3) inserted (8.2.2006) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\), ss. 15\(14\)\(b\), 24\(2\)](#); S.S.I. 2006/48, [art. 3\(1\)](#), Sch. Pt. 1
- F3** Words in s. 45(3) substituted (3.2.1995) by 1994 c. 33, [s. 130\(2\)](#); S.I. 1995/127, [art. 2\(1\)](#), [Sch. 1](#)

## 46 Interpretation. **E+W+S**

In this Act—

- [<sup>F4</sup>“the 1975 Act” means the <sup>M1</sup>Criminal Procedure (Scotland) Act 1975;]  
 “the 1980 Act” means the <sup>M2</sup>Criminal Justice (Scotland) Act 1980; and  
 “the 1989 Act” means the <sup>M3</sup>Prisons (Scotland) Act 1989.  
 [<sup>F5</sup>“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995]

### Textual Amendments

- F4** Entry in s. 46 ceased to have effect (1.4.1996) by 1995 c. 40, [ss. 4, 5, 7\(2\)](#), [Sch. 3 Pt. II paras. 16, 17, Sch. 4 para. 86\(11\)](#) and entry repealed (S.) (1.4.1996) by 1995 c. 40, [ss. 6, 7\(2\)](#), [Sch. 5](#)
- F5** Entry in s. 46 inserted (1.4.1996) by 1995 c. 40, [ss. 5, 7\(2\)](#), [Sch. 4 para. 86\(11\)](#)

### Marginal Citations

- M1** 1975 c. 21.  
**M2** 1980 c. 62.  
**M3** 1989 c. 45.

## 47 Minor and consequential amendments, transitional provisions, savings and repeals. **E+W+S**

- (1) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the amendments there specified (being minor amendments and amendments consequential on the preceding provisions of this Act).
- (2) The transitional provisions and savings contained in Schedule 6 to this Act shall have effect; but nothing in this subsection shall be taken as prejudicing the operation of sections 16 and 17 of the <sup>M4</sup>Interpretation Act 1978 (effect of repeals).
- (3) The enactments mentioned in Part I of Schedule 7 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Part and the instruments mentioned in Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part.

### Extent Information

- E1** S. 47(1)(3) extends to England and Wales and Scotland for specified purposes; s. 47 otherwise extends to Scotland only, see s. 48(5)(6)

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Prisoners and Criminal Proceedings (Scotland) Act 1993. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Commencement Information

- II** S.47(1) in force for certain purposes at Royal Assent as provided by S.48(4), for certain further purposes at 18.8.1993 and 18.9.1993, S. 47(3) in force for certain purposes at 18.9.1993, s. 47 wholly in force at 1.10.1993 by [S.I. 1993/2050](#), art. 3(2)(3)(4), Sch. 1, [Sch. 2](#)

### Marginal Citations

- M4** 1978 c. 30.

## 48 Short title, commencement and extent. **E+W+S**

- (1) This Act may be cited as the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (2) Subject to subsection (4) below, this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.
- (3) An order under subsection (2) above may make such transitional provisions and savings as appear to the Secretary of State necessary or expedient in connection with any provision brought into force by the order.
- (4) This section and, in so far as relating to paragraph 5 of Schedule 5 to this Act, section 47(1) of this Act shall come into force on the day on which this Act is passed.
- (5) Subject to subsection (6) below, this Act extends to Scotland only.
- (6) This section and the following provisions of this Act also extend to England and Wales—
  - section 12(2);
  - section 14(4);
  - section 15;
  - section 16(1) and (3);
  - section 27;
  - section 46; and
  - in section 47, subsection (1) in so far as relating to paragraphs 1(38) and 3 of Schedule 5, and subsection (3) in so far as relating to the entry in Schedule 7 in respect of the <sup>M5</sup>Criminal Justice Act 1991.
- (7) Nothing in subsection (5) above affects the extent of this Act in so far as it amends or repeals any provision of the <sup>M6</sup>Army Act 1955, the <sup>M7</sup>Air Force Act 1955 or the <sup>M8</sup>Naval Discipline Act 1957.

### Subordinate Legislation Made

- P1** S. 48(2)(3) power fully exercised (16.8.1993): 18.8.1993, 18.9.1993, 1.10.1993 and 1.1.1994 appointed days by [S.I. 1993/2050](#) (subject to saving in arts. 4-10)

### Marginal Citations

- M5** 1991 c. 53.  
**M6** 1955 c. 18.  
**M7** 1955 c. 19.  
**M8** 1957 c. 53.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Prisoners and Criminal Proceedings (Scotland) Act 1993. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

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

- s. 3A(3A) inserted by [2019 asp 14 s. 51\(2\)](#)
- s. 3B inserted by [2019 asp 14 s. 51\(3\)](#)
- s. 3B(1)(a) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(a\)](#)
- s. 3B(1)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(b\)\(i\)](#)
- s. 3B(1)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(b\)\(ii\)](#)
- s. 3B(4)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(c\)](#)
- s. 3C-3E and cross-heading inserted by [2023 asp 4 s. 11\(2\)](#)
- s. 3AA(4)(aa) inserted by [2023 asp 4 s. 9\(4\)\(b\)\(ii\)](#)
- s. 3AA(7A) inserted by [2023 asp 4 s. 9\(4\)\(d\)](#)
- s. 3AB3AC inserted by [2023 asp 4 s. 9\(5\)](#)
- s. 11(3C)(3D) inserted by [2023 asp 4 s. 9\(6\)\(b\)](#)
- s. 12(3A) inserted by [2023 asp 4 s. 11\(3\)](#)
- s. 12AA(7) inserted by [2023 asp 4 s. 9\(8\)\(d\)](#)
- s. 12ZA inserted by [2023 asp 4 s. 11\(4\)](#)
- s. 16(2A) inserted by [2016 asp 1 s. 86\(4\)](#)
- s. 17(2A)(2B) inserted by [2023 asp 4 s. 10\(2\)](#)
- s. 17A(2B)(2C) inserted by [2023 asp 4 s. 10\(3\)\(a\)](#)
- s. 17B inserted by [2023 asp 4 s. 10\(4\)](#)
- s. 27(7A)(7B) inserted by [2023 asp 4 s. 8\(2\)\(b\)](#)