
STATUTORY INSTRUMENTS

2018 No. 46

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
CRIMINAL PROCEDURE**

The Criminal Justice (Scotland) Act 2016
(Consequential Provisions) Order 2018

Made - - - - 16th January 2018

Coming into force in accordance with article 2

THE CRIMINAL JUSTICE (SCOTLAND) ACT 2016
(CONSEQUENTIAL PROVISIONS) ORDER 2018

Introductory

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8. Service offences etc.

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9. Persons arrested in connection with extradition proceedings

Codes of practice under the 2016 Act

10. Code of practice about investigative functions
11. Code of practice about searches

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

12. Duty of other officials to have regard to code of practice about searches

Further modifications of enactments

13. Legal Aid (Scotland) Act 1986
14. Criminal Justice and Public Order Act 1994
15. Criminal Procedure (Scotland) Act 1995
16. Criminal Law (Consolidation) (Scotland) Act 1995
17. Crime and Disorder Act 1998
18. Terrorism Act 2000
19. Finance Act 2007
20. UK Borders Act 2007
21. Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010 (Consequential Provisions) Order 2011
22. Crime and Courts Act 2013
23. Immigration Act 2016
24. 2016 Act
Signature

SCHEDULE 1 — Cross-border enforcement by constables of territorial police forces

1. Modification of Part 10 of the Criminal Justice and Public Order Act 1994
2. In section 136 (execution of warrants)— (a) before subsection (5)...
3. In section 137 (cross-border powers of arrest etc.)—
4. After section 137 insert— Arrest under section 136 or 137...
5. In section 138 (powers of arrest: supplementary provisions)—
6. In section 140(4), for the words from “the arrested” to...

SCHEDULE 2 — Exercise of functions by constables and members of non-territorial police organisations

1. Application of 2016 Act to Ministry of Defence Police
2. Application of 2016 Act to British Transport Police Force
3. Application of 2016 Act to Civil Nuclear Constabulary

SCHEDULE 3 — Exercise of functions by officials other than police constables

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1. Interpretation

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2. Application of 2016 Act in relation to immigration officers

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3. General adaptations

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4. Section 11 (authorisation for keeping in custody beyond 12 hour limit)
5. Section 66 (cases involving removal of person)

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6. Immigration custody
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PART 3 — Application of 2016 Act to designated customs officials

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8. Application of 2016 Act in relation to designated customs officials

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9. General adaptations

Specific adaptations

10. Section 1 (power of a designated customs official)
11. Section 11 (authorisation for keeping in custody beyond 12 hour limit)
12. Section 66 (cases involving removal of person)

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13. Customs custody
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PART 4 — Application of 2016 Act to officers of Revenue and Customs

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15. Application of 2016 Act in relation to officers of Revenue and Customs

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17. Section 1 (power of an officer of Revenue and Customs)
18. Section 11 (authorisation for keeping in custody beyond 12 hour limit)
19. Section 65 (limitation on what enables search of person not in custody)
20. Section 66 (cases involving removal of person)

Supplementary

21. Revenue and Customs custody
22. Powers of search etc. under other enactments
PART 5 — Application of 2016 Act to designated NCA officers
23. Application to designated NCA officers: adaptations
PART 6 — Transfers and co-operation
24. Transfer
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SCHEDULE 4 — Application of Part 1 of 2016 Act in relation to service offences etc.

1. General
2. Arrest under warrant of judge advocate
3. Arrest of deserters and absentees without leave
4. Deserters and absentees without leave surrendering to constable
5. Surrender of deserters and absentees: transfer to service custody

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6. Surrender of deserters and absentees: bringing before court of summary jurisdiction
7. Surrender of deserters and absentees: transfer to service custody
8. Arrest under warrant under section 317 of Armed Forces Act 2006
9. Arrest of persons unlawfully at large

SCHEDULE 5 — Persons arrested in connection with extradition proceedings

1. Modification of the Criminal Procedure (Scotland) Act 1995
2. Modification of the 2016 Act

Explanatory Note