

2006 No. 332 (C. 30)

CRIMINAL LAW

**The Criminal Justice (Scotland) Act 2003 (Commencement
No. 9) Order 2006**

Made - - - -

7th June 2006

The Scottish Ministers, in exercise of the powers conferred by section 89(2) and (3) of the Criminal Justice (Scotland) Act 2003(a), hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Criminal Justice (Scotland) Act 2003 (Commencement No. 9) Order 2006.

(2) In this Order “the Act” means the Criminal Justice (Scotland) Act 2003.

Commencement

2.—(1) The day appointed for the coming into force of section 1 of, and schedule 1 to, the Act is 19th June 2006 but subject to paragraph (2), only for the purposes of sentences imposed for offences committed on or after 20th June 2006.

(2) In respect of sentences imposed for offences for which life imprisonment was the maximum sentence which could be imposed at the time the offence was committed, the provisions of section 1 of, and schedule 1 to, the Act shall come into force only for the purposes of sentences imposed in cases which are commenced on or after 20th June 2006.

(3) For the purposes of paragraph (2) above, cases are taken to have commenced when a report of the case has been received by the procurator fiscal.

CATHY JAMIESON
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
7th June 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 19th June 2006 section 1 of, and Schedule 1 to, the Criminal Justice (Scotland) Act 2003.

Section 1 inserts new sections 210B-210H into the Criminal Procedure (Scotland) Act 1995 (c.46) (“the 1995 Act”), making provision for the assessment and sentencing of serious violent and sexual offenders. Schedule 1 makes consequential amendments to the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9) and the 1995 Act.

The sections brought into force by this Order apply to sentences imposed for offences committed on or after 20th June 2006, except for cases in which the maximum sentence which could have been imposed at the time the offence was committed was life imprisonment; in such cases, the sections brought into force by this Order apply to sentences imposed in cases which are commenced on or after 20th June 2006 (i.e. cases in which a report of the case is received by the procurator fiscal on or after 20th June 2006).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Criminal Justice (Scotland) Act 2003 have been brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 2(b), 3, 19, 20, 22 to 25, 27 to 29, 31, 33 to 38, 39, 42, 43 to 50, 52 to 59, 61 to 69, 70(1), (3), (4) and (7), 71 to 74, 76, 78 to 82, 85 (partially) and 86, schedule 2, schedule 4, paragraphs 1, 2, 3(1) and (3) and 5, and schedule 5	27th June 2003	S.S.I. 2003/288
Sections 51 and 60	27th October 2003	S.S.I. 2003/475
Section 21(1) to (8) and (11) (partially)	3rd November 2003	S.S.I. 2003/475
Sections 14, 15 and 18, section 85 (partially) and schedule 4, paragraph 3	25th November 2003	S.S.I. 2003/475
Sections 26 and 30	1st December 2003	S.S.I. 2003/475
Sections 4 to 6 and 11 to 13	1st January 2004	S.S.I. 2003/475
Section 40	12th January 2004	S.S.I. 2003/475
Section 21(9) and (10)	10th June 2004	S.S.I. 2004/240
Section 75	25th June 2004	S.S.I. 2004/240
Sections 16 and 17	1st November 2004	S.S.I. 2004/451

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 2(a), 7 to 10 and 41 and schedule 1, paragraph 1(3)(b)	4th October 2005	S.S.I. 2005/433
Section 70(2), (5) and (6) and (8) (partially)	1st April 2006	S.S.I. 2006/168
Section 32	2nd April 2006	S.S.I. 2006/85

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