
EXPLANATORY NOTE

(This note is not part of the Order)

The Criminal Justice and Licensing (Scotland) Act (“the 2010 Act”) received Royal Assent on 6th August 2010. Sections 201, 202, 204, 205 and 206 of the 2010 Act came into force on Royal Assent.

This Order brings into force certain other provisions of the 2010 Act. The Schedule to this Order specifies the date certain provisions of the 2010 Act come into force.

Article 2 of this Order provides that the provisions contained in column 1 of the Schedule come into force on the date specified in column 3. If a purpose is specified in column 4, the provision only comes into force for that purpose.

The following provisions of the 2010 Act come into force for all purposes on 13th December 2010:—

- Section 16 (short periods of detention);
- Section 23 (extended sentences for certain sexual offences);
- Section 25 (offences aggravated by racial or religious prejudice);
- Section 26 (voluntary intoxication by alcohol: effect in sentencing);
- Section 28 (involvement in serious organised crime);
- Section 29 (offences aggravated by connection with serious organised crime);
- Section 30 (directing serious organised crime);
- Section 31 (failure to report organised crime);
- Section 34 (articles banned in prison);
- Section 37 (offensive weapons etc.);
- Section 39 (offence of stalking);
- Section 40 (certain sexual offences by non-natural persons);
- Section 41 (indecent images of children);
- Section 45 (penalties for offences of brothel-keeping and living on the earnings of prostitution);
- Section 56 (grant of warrants for execution by constables and police members of SCDEA);
- Section 59 (bail conditions: remote monitoring requirements);
- Section 60 (prosecution on indictment: Scottish Law Officers);
- Section 64 (remand and committal of children and young persons);
- Section 71 (convictions by courts in other EU Member States);
- Section 93 (lists of jurors);
- Section 99: (closure of premises associated with human exploitation etc.);
- Section 101 (foreign travel orders);
- Section 104 (risk of sexual harm orders: spent convictions);
- Section 105 (obtaining information from outwith United Kingdom);

Status: This is the original version (as it was originally made).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

Section 111 (assistance for victim support);
Section 112 (public defence solicitors);
Section 113 (compensation for miscarriages of justice);
Section 114 (financial reporting orders);
Section 173 (licensing: powers of entry and inspection for civilian employees);
Section 180 (premises licence applications: notification requirements);
Section 181 (premises licence applications: modifications of layout plans);
Section 183 (premises licence applications: antisocial behaviour reports);
Section 185 (provisional premises licences: duration);
Section 187 (provision of copies of licences to chief constable);
Section 188 (sale of alcohol to trade);
Section 192 (personal licences);
Section 193 (emergency closure orders);
Section 194 (appeals);
Section 196 (false statements in applications: offence);
Section 198 (further modifications of 2005 Act);
Section 199 (annual report on Criminal Justice (Terrorism and Conspiracy) Act 1998);
Schedule 4 (convictions by courts in other EU Member States: modifications of enactments);
Schedule 6 (further modifications of the 2005 Act) apart from paragraphs 9 and 10;
Schedule 7 (modification of enactments) paragraphs 4, 5, 13, 49 and 86 only.

The following provisions come into force for limited purposes on 13th December 2010:—

Section 80 (retention of samples etc. from children referred to children's hearings) is commenced for the purposes of inserting sections 18E(6), 18E(7) and 18E(10) into the 1995 Act;
Section 184 (premises licences: connected persons and interested parties) is commenced in respect of connected persons only;
Section 195 (liability for offences) – 195(3) is commenced for the purposes of inserting sections 141A and 141B into the Licensing (Scotland) Act 2005. Section 141B is commenced in respect of premises licence holders only.

The following provisions come into force for all purposes on 10th January 2011:—

Section 94 (upper age limit for jurors);
Section 95 (excusal from jury service);
Section 96 (persons excusable from jury service);
Schedule 7 (modification of enactments) paragraph 48 only.

The following provisions come into force for all purposes on 1st February 2011:—

Section 14 (community payback orders), apart from section 227ZM as inserted into the 1995 Act by that section;
Section 17 (presumption against short periods of imprisonment);
Section 20 (reports about supervised persons);

Section 21 (detention of children convicted on indictment);

Schedule 2 (community payback orders: consequential modifications) apart from paragraph 38.

The following provisions come into force for all purposes on 28th February 2011:—

Section 178 (applications for licences) in so far as not already brought into force by [S.S.I. 2010/297](#);

Section 182 (reviews of premises licences: notification of determinations).

Other sections:

Section 14 (community payback orders) comes into force on 1st April 2011 for the purpose of inserting section 227ZM into the 1995 Act;

Paragraph 38 of Schedule 2 to the Act comes into force on the same day that section 25(2) of the Welfare Reform Act 2009 ([c.24](#)) (jobseekers allowance: sanctions for violent conduct etc. in connection with claim) comes into force.