
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 160

**The Criminal Justice and Licensing (Scotland) Act 2010
(Commencement No. 10 and Saving Provisions) Order 2012**

Citation and commencement

1. This Order may be cited as the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 10 and Saving Provisions) Order 2012 and comes into force on 25th June 2012.

Interpretation

2.—(1) In this Order “the Act” means the Criminal Justice and Licensing (Scotland) Act 2010.

(2) For the purposes of this Order criminal proceedings are commenced—

- (a) in summary proceedings, on the date of the first calling of the case; and
- (b) in solemn proceedings, on the date on whichever of the following first occur—
 - (i) the grant of a warrant to arrest and commit;
 - (ii) the intimation of a petition; or
 - (iii) the service of an indictment.

Commencement of provisions

3. The provisions of the Act specified in column 1 of the Schedule (the subject matter of which is specified in column 2 of the Schedule) come into force on 25th June 2012 and apply to criminal proceedings commenced on or after that date irrespective of the date the offence was committed.

Saving provisions

4.—(1) The rules of law referred to in section 171 of the Act continue to have effect in relation to criminal proceedings commenced before 25th June 2012.

(2) The common law of diminished responsibility continues to have effect in relation to criminal proceedings commenced on or after 25th June 2012 where the conduct giving rise to the proceedings took place before that date, the case proceeding as if—

- (a) section 168 of the Act (in so far as inserting section 51B of the Criminal Procedure (Scotland) Act 1995⁽¹⁾); and
- (b) section 171 of the Act (in so far as abolishing the plea of diminished responsibility),

had not been commenced.

Status: This is the original version (as it was originally made).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

St Andrew's House,
Edinburgh
21st May 2012

KENNY MACASKILL
A member of the Scottish Executive