
DRAFT STATUTORY INSTRUMENTS

2017 No.

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
CRIMINAL PROCEDURE**

The Criminal Justice (Scotland) Act 2016
(Consequential Provisions) Order 2017

Made - - - -

Coming into force in accordance with article 2

**THE CRIMINAL JUSTICE (SCOTLAND) ACT 2016
(CONSEQUENTIAL PROVISIONS) ORDER 2017**

Introductory

1. Citation
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8. Service offences etc.

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10. Code of practice about investigative functions
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13. Legal Aid (Scotland) Act 1986
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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
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SCHEDULE 3 — Exercise of functions by officials other than police constables

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3. General adaptations

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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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16. General adaptations

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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)
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21. Revenue and Customs custody
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PART 5 — Application of 2016 Act to designated NCA officers
23. Application to designated NCA officers: adaptations
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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

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 No. 46*

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