



# Criminal Justice (Scotland) Act 1963

## 1963 CHAPTER 39

### PART I

#### PROVISIONS WITH RESPECT TO SENTENCES AND ORDERS INFERRING DETENTION

**1** .....<sup>F1</sup>

**Textual Amendments**

**F1** Ss. 1, 3, 6–8 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), Sch. 10 Pt. I](#)

#### *Young Offenders Institutions*

**2** .....<sup>F2</sup>

**Textual Amendments**

**F2** Ss. 2, 4, 5, 9(1)(2) repealed by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\), Sch. 8](#)

#### *Borstal Training*

**3** .....<sup>F3</sup>

**Textual Amendments**

**F3** Ss. 1, 3, 6–8 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), Sch. 10 Pt. I](#)

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1963. (See end of Document for details)*

4–5 ..... F4

**Textual Amendments**  
F4 Ss. 2, 4, 5, 9(1)(2) repealed by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 8**

6–8 ..... F5

**Textual Amendments**  
F5 Ss. 1, 3, 6–8 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

*Transfer of Young Offenders*

9  
(1) ..... F6  
(3) ..... F7

**Textual Amendments**  
F6 Ss. 2, 4, 5, 9(1)(2) repealed by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 8**  
F7 S. 9(3)(4) repealed by Armed Forces Act 1981 (c. 55, SIF 7:1), **Sch. 5 Pt. II**

10 ..... F8

**Textual Amendments**  
F8 S. 10 repealed by Prisons (Scotland) Act 1989 (c. 45), s. 45(2), **Sch. 3**

*Supervision of Offenders on Release*

11 ..... F9

**Textual Amendments**  
F9 S. 11 repealed by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 8** and Prisons (Scotland) Act 1989 (c.45, SIF 39:1), s. 45(2), **Sch. 3**

12 **Supervision of persons released from young offenders institutions.**

F10 .....

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1963. (See end of Document for details)*

**Textual Amendments**

**F10** S. 12 repealed by Prisons (Scotland) Act 1989 (c. 45), s. 45(2), **Sch. 3**

**13** ..... **F11**

**Textual Amendments**

**F11** Ss. 13, 16, 17, 23–25, 26(1), 27–47, Sch. 1 paras. 4–10, Sch. 3 Pt. I repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

**14** **Supervision of certain prisoners after release.**

**F12** .....

**Textual Amendments**

**F12** S. 14 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

**15** ..... **F13**

**Textual Amendments**

**F13** S. 15 repealed by Social Work (Scotland) Act 1968 (c. 49), **Sch. 9 Pt. I**

**16–17** ..... **F14**

**Textual Amendments**

**F14** Ss. 13, 16, 17, 23–25, 26(1), 27–47, Sch. 1 paras. 4–10, Sch. 3 Pt. I repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

**PART II**

**18–22** ..... **F15**

**Textual Amendments**

**F15** Ss. 18–22 repealed by Social Work (Scotland) Act 1968 (c. 49), **Sch. 9 Pt. I**

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**PART III**

FINES AND IMPRISONMENT, ETC., IN DEFAULT

**23–25** ..... <sup>F16</sup>

**Textual Amendments**  
**F16** Ss. 13, 16, 17, 23–25, 26(1), 27–47, Sch. 1 paras. 4–10, Sch. 3 Pt. I repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

**26** **Transfer of fines (including transfer to English court for enforcement, and vice versa)**

(1) ..... <sup>F17</sup>

(2) For the purpose of enabling transfer of fine orders to be made—

(a) ..... <sup>F18</sup>

(b) by magistrates’ courts in England and Wales in respect of persons residing in Scotland,

[<sup>F19</sup>the section set out in Part II of Schedule 3 to this Act] shall be inserted after section 72 of the Magistrates’ Courts Act 1952.

**Textual Amendments**  
**F17** Ss. 13, 16, 17, 23–25, 26(1), 27–47, Sch. 1 paras. 4–10, Sch. 3 Pt. I repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**  
**F18** S. 26(2)(a) repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 35**  
**F19** Words substituted (E.W.) (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 35**

**27–29** ..... <sup>F20</sup>

**Textual Amendments**  
**F20** Ss. 13, 16, 17, 23–25, 26(1), 27–47, Sch. 1 paras. 4–10, Sch. 3 Pt. I repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

**PARTS IV, V**

**30–47** ..... <sup>F21</sup>

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**Textual Amendments**

**F21** Ss. 13, 16, 17, 23–25, 26(1), 27–47, Sch. 1 paras. 4–10, Sch. 3 Pt. I repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

**48** ..... **F22**

**Textual Amendments**

**F22** S. 48 repealed by [Legal Aid \(Scotland\) Act 1967 \(c. 43\)](#), **Sch. 3**

**PART VI**

SUPPLEMENTAL

**49** ..... **F23**

**Textual Amendments**

**F23** S. 49 repealed by [Administration of Justice Act 1968 \(c. 5\)](#), **Sch.**

**F24** **50–** .....  
**51**

**Textual Amendments**

**F24** Ss. 50, 51 repealed by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), **Sch. 3**

**52** <sup>x1</sup> **Minor and consequential amendments and repeals.**

<sup>x2</sup>(1) The enactments described in Schedule 5 to this Act shall have effect subject to the amendments specified therein, being minor amendments and amendments consequential on the foregoing provisions of this Act.

<sup>x2</sup>(2) The enactments described in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) The amendment or repeal by this Act of any enactment described in the said Schedule 5 or Schedule 6 (except the amendment to section 33(4) of the Prisons (Scotland) Act 1952 relating to young offenders institutions) shall not extend to that enactment in so far as it applies to any person—

(a) by virtue of his having been sentenced to borstal training before the commencement of section 4 of this Act; or

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- (b) by virtue of his having been released from an approved school before, and not having again been so released after, the commencement of section 18 of this Act.

**Editorial Information**

- X1** Unreliable marginal note.
- X2** The text of s.52(1)(2) and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**53 Extension to England, Northern Ireland, the Isle of Man and the Channel Islands.**

- (1) The following provisions of this Act shall extend to England and Wales, that is to say:

..... F25 .....

section 52;  
Schedules 3, 5 and 6, so far as they relate to enactments which extend to England and Wales.

- (2) The following provisions of this Act shall extend to Northern Ireland and the Channel Islands, that is to say—

section 52;  
Schedule 5, so far as it relates to enactments which extend to Northern Ireland and the Channel Islands.

- (3) The following provisions of this Act shall extend to the Isle of Man, that is to say—

..... F26 .....

section 52;  
Schedule 5, so far as it relates to enactments which extend to the Isle of Man.

- (4) Save as aforesaid, and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall extend only to Scotland.

**Textual Amendments**

- F25** Words repealed by [Criminal Law Act 1977 \(c. 45\), s. 65\(7\), Sch. 13](#)
- F26** Words repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), Sch. 10 Pt. I](#)

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**Textual Amendments**

**F27** S. 54 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

**55 Commencement.**

- (1) The foregoing provisions of this Act (including the Schedules therein referred to) shall come into operation on such date as the Secretary of State may by order appoint.
- (2) Different dates may be appointed by order under this section for different purposes of this Act; and any reference in this Act to the commencement of any provision of this Act shall be construed as a reference to the date appointed for the purposes of that provision.

**Subordinate Legislation Made**

**P1** Power conferred by s. 55(1) has been fully exercised

**56 Short title.**

This Act may be cited as the Criminal Justice (Scotland) Act 1963.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1963.