



# Criminal Justice (Scotland) Act 1980

## 1980 CHAPTER 62

An Act to make further provision as regards criminal justice in Scotland; and for connected purposes. [13th November 1980]

### Commencement Information

- II** Act not in force at Royal Assent see [s. 84\(2\)](#); Act wholly in force at 15. 11. 1983 (so far as not repealed or superseded)

## PART I

### POLICE POWERS

**F1** .....

### Textual Amendments

- F1** [S. 1](#) repealed (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), Sch 5 (with Sch. 3 Pt. II paras. 16, 17)

**F2** .....

### Textual Amendments

- F2** [S. 2](#) repealed (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

**F3** .....

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

#### Textual Amendments

**F3** S. 3 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt II paras. 16, 17)

### [<sup>F4</sup>3A Rights of persons arrested or detained in connection with terrorism.

- (1) A person who has been arrested or detained under the terrorism provisions and who is in detention in a police station or other premises shall be entitled to have intimation of his detention and of the place where he is being detained sent without delay to a solicitor and to another person reasonably named by him:

Provided that a police officer not below the rank of superintendent may authorise a delay (not extending longer than the period of 48 hours from the start of the detention) where, in his view, such delay is necessary on one of the grounds mentioned in section 3C(3) of this Act.

- (2) Where a person arrested or detained under the terrorism provisions requests that the intimation be made, there shall be recorded the time when such request is—
- (a) made; and
  - (b) complied with.

- (3) A person arrested or detained under the terrorism provisions shall be entitled to consult a solicitor at any time, without delay:

Provided that a police officer not below the rank of superintendent may authorise a delay (not extending longer than the period of 48 hours from the start of the detention) where, in his view, such delay is necessary on one of the grounds mentioned in section 3C(3) of this Act.

- (4) Subject to section 3C of this Act the consultation provided for in subsection (3) above shall be private.]

#### Textual Amendments

**F4** Ss. 3A–3D inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36), s. 35

### 3B Provisions as to children detained in connection with terrorism.

- (1) Subject to the provisions of this section the provisions of section 3A of this Act apply to children as they apply to adults.

- (2) Without prejudice to—
- (a) subsection (3) of this section, or
  - (b) his entitlement, in terms of section 3A(1), to have intimation of his detention and of the place where he is being detained sent to a solicitor—

a person arrested or detained under the terrorism prevention provisions who appears to a constable to be a child shall not be entitled to have such intimation sent to any other person named by him.

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*Status: Point in time view as at 01/04/1997.*

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- (3) Where it appears to a constable that a person arrested or detained under the terrorism provisions is a child, he shall, subject to subsection (4), without delay—
- (a) send intimation of the arrest or detention and of the place where the child is being held to his parent (if known); and
  - (b) allow such parent access to the child.
- (4) A police officer not below the rank of superintendent may authorise—
- (a) a delay in compliance with the duty mentioned in subsection (3)(a) above;
  - (b) non-compliance with the duty mentioned in subsection (3)(b) above,
- where such delay or, as the case may be, non-compliance is, in his view, necessary on one of the grounds mentioned in section 3C(3) of this Act:
- Provided that any such delay in compliance with the duty mentioned in subsection (3) (a) shall not extend longer than the period of 48 hours from the start of the detention.
- (5) There shall be recorded the time at which the intimation mentioned in subsection (3) (a) is made.
- (6) Subject to section 3C of this Act the access mentioned in subsection (3)(b) above shall be private.
- (7) Where a child is, by virtue of any enactment, in the care either of a local authority or of a voluntary organisation, the intimation shall be either to the authority or organisation or to the parent, and the right of access shall be exercisable both by an officer of the authority or organisation and by the parent; and subsections (4) and (6) above and section 3C of this Act shall apply in relation to intimation and access under this subsection as they apply to intimation and access under subsection (3) above.

### **3C Provisions relating to consultations and access in connection with terrorism.**

- (1) An officer not below the rank of Assistant Chief Constable may direct that the consultation or access mentioned in sections 3A(3) and 3B(3) of this Act respectively be in the presence of a uniformed officer not below the rank of inspector if it appears to the officer giving the direction to be necessary on one of the grounds mentioned in subsection (3) below.
- (2) A uniformed officer directed to be present during a consultation or, as the case may be, access shall be an officer who, in the opinion of the officer giving the direction, has no connection with the case.
- (3) The grounds mentioned in sections 3A(1), 3A(3) and 3B(4) of this Act and in subsection (1) above are that it is in the interests of the investigation or prevention of crime, or of the apprehension, prosecution or conviction of offenders.
- (4) Where delay or non-compliance is authorised in the exercising of any of the rights or, as the case may be, the carrying out of any of the duties, mentioned in sections 3A(1), 3A(3), and 3B(3) of this Act, there shall be recorded the reason for such delay or non-compliance.

### **3D**

- (1) In sections 3A to 3C and this section of this Act—

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- [<sup>F5</sup>(a) “terrorism provisions” means section 14(1) of the <sup>M1</sup> Prevention of Terrorism (Temporary Provisions) Act and any provision of Schedule 2 or 5 to that Act conferring a power of arrest or detention;]
- (b) “child” and “parent” have the same meanings as in section 3 of this Act.

(2) The provisions of sections 3A to 3C and this section of this Act shall have effect, in relation to persons arrested or detained under the terrorism provisions, in place of any enactment or rule of law under or by virtue of which a person arrested or detained may be entitled to communicate or consult with any other person.

**Textual Amendments**

**F5** S. 3D(1)(a) substituted by [Prevention of Terrorism \(Temporary Provisions\) Act 1989 \(c. 4, SIF 39:2\)](#), s. 25(1), [Sch. 8 para. 5](#)

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**Marginal Citations**

**M1** [1989 c.4 \(39:2\)](#).

<sup>F6</sup>4 .....

**Textual Amendments**

**F6** [Ss. 4-7](#) repealed (1.4.1996) by [1995 c. 40](#) ss. 6, 7(2), Sch. 5(with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F7</sup>5 .....

**Textual Amendments**

**F7** [Ss. 4-7](#) repealed (1.4.1996) by [1995 c. 40](#) ss. 6, 7(2), Sch. 5(with Sch. 3 Pt. II paras. 1, 16, 17)

**PART II**

PROCEDURE AND EVIDENCE

*Procedure*

<sup>F8</sup>6 .....

**Textual Amendments**

**F8** [Ss. 4-7](#) repealed (1.4.1996) by [1995 c. 40](#) ss. 6, 7(2), Sch. 5(with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F9</sup>7 .....

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Textual Amendments**

**F9** Ss. 4-7 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

**8** ..... **F10**

**Textual Amendments**

**F10** S. 8 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

**F11** **9** .....

**Textual Amendments**

**F11** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

**F12** **10** .....

**Textual Amendments**

**F12** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

**F13** **11** .....

**Textual Amendments**

**F13** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

**F14** **12** .....

**Textual Amendments**

**F14** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

**F15** **13** .....

**Textual Amendments**

**F15** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

F16<sup>14</sup> .....

**Textual Amendments**  
F16 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F17<sup>15</sup> .....

**Textual Amendments**  
F17 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F18<sup>16</sup> .....

**Textual Amendments**  
F18 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F19<sup>17</sup> .....

**Textual Amendments**  
F19 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F20<sup>18</sup> .....

**Textual Amendments**  
F20 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F21<sup>19</sup> .....

**Textual Amendments**  
F21 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

F22<sup>20</sup> .....

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**Textual Amendments**

**F22** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F23</sup>**21** .....

**Textual Amendments**

**F23** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch 3 Pt. II paras. 16, 17)

<sup>F24</sup>**22** .....

**Textual Amendments**

**F24** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F25</sup>**23** .....

**Textual Amendments**

**F25** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F26</sup>**24** .....

**Textual Amendments**

**F26** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F27</sup>**25** **Interpretation of 1975 Act.**  
.....

**Textual Amendments**

**F27** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

*Evidence*

<sup>F28</sup>**26** .....

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**Textual Amendments**

**F28** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

<sup>F29</sup>**27** .....

**Textual Amendments**

**F29** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

<sup>F30</sup>**28** .....

**Textual Amendments**

**F30** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

<sup>F31</sup>**29** .....

**Textual Amendments**

**F31** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

<sup>F32</sup>**30** .....

**Textual Amendments**

**F32** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

**31** ..... <sup>F33</sup>

**Textual Amendments**

**F33** S. 31 repealed by **Road Traffic Regulation Act 1984** (c. 27, SIF 107:1), s. 146, **Sch. 14** and expressed to be repealed (1.4.1996) by 1995 c. 40, s. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

<sup>F34</sup>**32** .....

**Textual Amendments**

**F34** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)



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F35 **32A** .....

**Textual Amendments**

F35 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

*Appeals*

F36 **33** .....

**Textual Amendments**

F36 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F37 **34** .....

**Textual Amendments**

F37 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F38 **35** .....

**Textual Amendments**

F38 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F39 **36** .....

**Textual Amendments**

F39 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F40 **37** .....

**Textual Amendments**

F40 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

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*Miscellaneous*

F41 **38** .....

**Textual Amendments**

F41 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F42 **39** .....

**Textual Amendments**

F42 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

**PART III**

**PENALTIES**

F43 **40** .....

**Textual Amendments**

F43 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F44 **41** .....

**Textual Amendments**

F44 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F45 **42** .....

**Textual Amendments**

F45 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 4, 6, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F46 **43** .....

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**Textual Amendments**

**F46** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

**44** ..... <sup>F47</sup>

**Textual Amendments**

**F47** Ss. 44, 45(2) repealed by **Prisons (Scotland) Act 1989** (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

**45 Detention of young defenders**

<sup>F48</sup>(1) .....

(2) ..... <sup>F49</sup>

(3) In the 1975 Act, sections 204 and 414 (Borstal training) and sections 209 and 418 (detention in detention centre) shall cease to have effect.

(4) Without prejudice to any specific amendment made by this Act, in Scotland a reference in any enactment to which this subsection applies—

(a) to a Borstal institution, shall be construed as a reference to a young offenders institution; and

(b) to a period of training in a Borstal institution, shall be construed as a reference to a period of detention in a young offenders institution.

(5) The enactments to which subsection (4) above applies are—

(a) any Act passed before, or during the same session as, this Act; and

(b) any subordinate legislation made before the commencement of this Act;

and in this subsection

“Act” and “subordinate legislation” have the same meanings as in the <sup>M2</sup>Interpretation Act 1978.

**Textual Amendments**

**F48** S. 45(1) repealed (1.4.1996) by 1995 c. 40, ss. 4, 6 **Sch. 5** (with **Sch. 3 Pt. II paras. 16, 17**)

**F49** Ss. 44, 45(2) repealed by **Prisons (Scotland) Act 1989** (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

**Modifications etc. (not altering text)**

**C1** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) 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.

**Marginal Citations**

**M2** 1978 c. 13.

<sup>F50</sup>**46** .....

*Status: Point in time view as at 01/04/1997.*

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**Textual Amendments**

**F50** S. 46 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

<sup>F51</sup> **47** .....

**Textual Amendments**

**F51** S. 47 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

<sup>F52</sup> **48** .....

**Textual Amendments**

**F52** S. 48 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

<sup>F53</sup> **49** .....

**Textual Amendments**

**F53** S. 49 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

<sup>F54</sup> **50** .....

**Textual Amendments**

**F54** S. 50 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

**51 Execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine.**

After section 38 of the Criminal Law Act 1977 there shall be inserted the following section—

**“38A Execution in different parts of the United Kingdom of warrants for imprisonment for non-payment of fine.**

(1) Subject to subsection (6) below, a person against whom an extract conviction is issued in Scotland for imprisonment in default of payment of a fine may be arrested—

- (a) in England and Wales, by any constable acting within his police area ;
- (b) in Northern Ireland, by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve ;

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and subsections (4) and (5) of section 159 of the Magistrates' Courts Act (Northern Ireland) 1964 (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such extract conviction as those subsections apply in relation to the execution of a warrant for arrest.

- (2) Subject to subsection (6) below, a person against whom there has been issued in England, Wales or Northern Ireland a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in Scotland, by any constable appointed for a police area, in like manner as if the warrant were an extract conviction for imprisonment issued in Scotland in default of payment of a fine.
- (3) A person arrested by virtue of subsection (1) above under an extract conviction or by virtue of subsection (2) above under a warrant of commitment may be detained under it in any prison in the part of the United Kingdom in which he was arrested ; and while so detained he shall be treated for all purposes as if he were detained under a warrant of commitment or extract conviction issued in that part of the United Kingdom.
- (4) An extract conviction or a warrant of commitment may be executed by virtue of this section whether or not it has been endorsed under section 4 of the Summary Jurisdiction (Process) Act 1881 or under section 27 of the Petty Sessions (Ireland) Act 1851.

- (5) In this section—

“fine” includes any sum treated by any enactment as a fine for the purposes of its enforcement and any sum to be found as caution ;

“imprisonment” includes, in the case of a person who is under the age of 21 years, detention ;

“part of the United Kingdom” means England and Wales, Scotland or Northern Ireland ;

“prison” means—

- (i) in the case of a person who is under the age of 21 years arrested in Scotland, a young offenders institution ; and
- (ii) in the case of a person under that age arrested in Northern Ireland, a young offenders centre ; and

“sum adjudged to be paid by a conviction” has the meaning given by section 150(3) of the Magistrates' Courts Act 1980 or, in Northern Ireland, section 169(2) of the Magistrates' Courts (Northern Ireland) Act 1964.

- (6) This section shall not apply to the arrest of persons under the age of 17 years.”.

**Modifications etc. (not altering text)**

- C2** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) 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.

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F<sup>55</sup> 52 .....

**Textual Amendments**

F55 S. 52 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

F<sup>56</sup> 53 .....

**Textual Amendments**

F56 S. 53 repealed (1.4.1996) by 1995 c. 40, s. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

F<sup>57</sup> 54 .....

**Textual Amendments**

F57 S. 54 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

55 ..... F<sup>58</sup>

**Textual Amendments**

F58 S. 55 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1, Sch. 4 paras 1, 2

**56 Penalties for drunkenness.**

(1) In section 70 of the <sup>M3</sup>Licensing (Scotland) Act 1903 (penalties for drunkenness, etc.)

- (a) in the first paragraph of subsection (1) for the words from “and may be taken” to the end of that paragraph there shall be substituted the words “ and shall be liable on summary conviction to a fine not exceeding £50 ”;
- (b) in the second paragraph of that subsection for the words from “forty” to the end of that paragraph there shall be substituted the words “ £50 ” ;
- (c) after that subsection there shall be inserted the following subsection—
  - “(1A) A constable may arrest without warrant any person who he has reasonable grounds for suspecting is committing an offence under subsection (1) above.”; and
- (d) in subsection (2) for the words from “forty” to the end of the first sentence there shall be substituted the words “ £50 ”.

(2) Section 382 of the <sup>M4</sup>Burgh Police (Scotland) Act 1892 shall cease to have effect.

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**Modifications etc. (not altering text)**

- C3** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) 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.

**Marginal Citations**

- M3** 1903 c. 25.  
**M4** 1892 c. 25.

**57 Penalty for second conviction of assault on constable.**

In section 41(1)(ii) of the <sup>M5</sup>Police (Scotland) Act 1967 (assaults on constables, etc.), at the end there shall be added the words “ or to a fine not exceeding the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975, or to both. ”.

**Modifications etc. (not altering text)**

- C4** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) 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.

**Marginal Citations**

- M5** 1967 c. 77.

**<sup>F59</sup>PART IV**

**COMPENSATION BY OFFENDERS**

**Textual Amendments**

- F59** Part IV (ss. 58-67) repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with **Sch. 3 Pt. II paras. 16, 17**)

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**F64** PART V

SPORTING EVENTS: CONTROL OF ALCOHOL ETC.

**Textual Amendments**

**F64** Part V (ss. 68-77) repealed (1.4.1996) by 1995 c. 40, ss. 4, 6 Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

**PART VI**

MISCELLANEOUS AND GENERAL

**F84** 78 .....

**Textual Amendments**

**F84** S. 78 repealed (1.4.1996) by 1995 c. 40, ss. 4, 6, Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

**79 Grants in respect of hostel accomodation for persons under supervision.**

After section 27A of the <sup>M16</sup>Social Work (Scotland) Act 1968 there shall be inserted the following section—

**“27B Grants in respect of hostel accomodation for persons under supervision.**

The Secretary of State may make to a local authority grants of such amount and subject to such conditions as he may with the consent of the Treasury determine in respect of expenditure incurred by the authority under this Act in—



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- (a) providing ; or
- (b) contributing by way of grant under section 10(3) of this Act to the provision by a voluntary organisation of, residential accommodation wholly or mainly for the persons mentioned in subparagraphs (i) and (ii) of section 27(1)(b) of this Act.”.

**Modifications etc. (not altering text)**

**C12** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) 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.

**Marginal Citations**

**M16** 1968 c. 49.

**F85** **80** .....

**Textual Amendments**

**F85** S. 80 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with **Sch. 3 Pt. II paras. 16, 17**) and s. 80(10) subject to an amendment by 1995 c. 40, s. 5, **Sch. 4 para. 33**

**81 Interpretation etc.**

- (1) In this Act—
  - “the 1975 Act” means the <sup>M17</sup>Criminal Procedure (Scotland) Act 1975;
  - “constable” means a constable within the meaning of the <sup>M18</sup>Police (Scotland) Act 1967.
- (2) Except where the context otherwise requires, expressions used in this Act and in the 1975 Act shall have the same meanings in this Act as in that Act.

**Marginal Citations**

**M17** 1975 c. 21.

**M18** 1967 c. 77.

**82 Financial provisions.**

There shall be defrayed out of money provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.

**83 Transitional provisions, consequential amendments and repeals.**

- (1) Schedule 6 to this Act shall have effect for the purpose of the transition to the provisions of this Act from the law in force before the commencement of those

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provisions and with respect to the application of this Act to things done before the commencement of those provisions.

- (2) The enactments specified in Schedule 7 to this Act shall have effect subject to the amendments there specified, being minor amendments or amendments consequential on the provisions of this Act.
- (3) The enactments specified in Schedule 8 to this Act (which include certain spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.

**Modifications etc. (not altering text)**

**C13** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) 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.

**84 Short title, commencement and extent.**

- (1) This Act may be cited as the Criminal Justice (Scotland) Act 1980.
- (2) This Act shall come into force on such date as the Secretary of State may appoint by order made by statutory instrument; and different dates may be so appointed for different provisions or different purposes.
- (3) Any order under subsection (2) above may make such transitional provision as appears to the Secretary of State to be expedient in connection with the provisions thereby brought into force.
- (4) Subject to subsections (5) to (7) below, this Act extends to Scotland only.
- (5) This section and the following provisions extend to England and Wales—  
section 22;  
section 51;  
section 66 for the purposes of the construction mentioned in subsection (1) of that section;  
paragraphs 2, so far as relating to section 22, and 8 to 10 of Schedule 6;  
paragraphs 6(a), 7 to 12, 24, 58 and 79 of Schedule 7; and  
Schedule 8 so far as relating to the <sup>M19</sup>Criminal Justice Act 1961 and to section 365 of the 1975 Act.
- (6) This section, section 22, section 51, section 66 for the purposes of the construction mentioned in subsection (1) of that section, paragraphs 2, so far as relating to section 22, and 8 to 10 of Schedule 6, paragraphs 6(a), 7 to 12 and 77 of Schedule 7, and Schedule 8 so far as relating to the Criminal Justice Act 1961 extend to Northern Ireland.
- (7) This section, paragraphs 6(a) and 10 (a) of Schedule 7, and Schedule 8 so far as relating to section 32(2)(b) of the Criminal Justice Act 1961, extend to the Channel Islands and the Isle of Man.

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

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**Modifications etc. (not altering text)**

**C14** Power of appointment conferred by s. 84(2) exercised by [S.I. 1981/50](#), 444, 766, 1751 and 1983/1580 (in the explanatory Note to [S.I. 1983/1580](#) it is stated that the Act is commenced in its entirety with the exception of certain repealed provisions and certain provisions which have been superseded)

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**Marginal Citations**

**M19** [1961 c. 39](#).

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

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## SCHEDULES

### <sup>F86</sup>SCHEDULE 1

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#### Textual Amendments

**F86** Schs. 1- 4 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17) and subject to an amendment (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 35; S.I. 1996/186, **art. 3** (with s. 7(6), s. 115, s. 117)

### <sup>F87</sup>SCHEDULE 2

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#### Textual Amendments

**F87** Schs. 1-4 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

### <sup>F88</sup>SCHEDULE 3

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#### Textual Amendments

**F88** Schs. 1-4 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

### <sup>F90</sup>SCHEDULE 4

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#### Textual Amendments

**F90** Sch. 1- 4 repealed (1.4.1996) by 1995 c. 40, s. 4, 6, **Sch. 5** (with Sch. 3 Pt. II, paras. 1, 16, 17)

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

## SCHEDULE 5

F92

### Textual Amendments

**F92** Sch. 5, Sch. 7 paras. 1–6, 14, 15, 17–20 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), Sch. 3

## SCHEDULE 6

Section 83(1).

### TRANSITIONAL PROVISIONS

- 1 A provision contained in any of sections 6, 12 to 17, 26, 28, 29, 31, 36, 40 to 42 and 46(1)(b) of, and Schedules 1 and 4 to, this Act and any related amendment or repeal provided for in Schedule 7 or 8 to this Act, shall not apply in relation to proceedings which have been instituted before the coming into force of that provision; and, for the purposes of this paragraph, proceedings shall be taken to have been instituted on the day on which the petition or complaint is served on the accused.
- 2 A provision contained in any of sections 18(2), 19, 21, 22, 27, 30 and 39 of this Act, and any such related amendment or repeal, shall not apply in relation to a trial which has commenced before the coming into force of that provision; and, for the purposes of this paragraph, a trial shall be taken to commence—
  - (a) in the case of solemn proceedings, when the oath is administered to the jury;
  - (b) in the case of summary proceedings, when the first witness is sworn.
- 3 A provision contained in any of sections 47, 48, 50 and 52 of this Act, and any such related amendment or repeal, shall not apply in relation to the enforcement of any fine or caution imposed before the coming into force of that provision.
- 4 A provision contained in any of sections 46(1)(a), (c) and (d), 56(1) and 57 of this Act shall not affect the punishment for an offence committed before the coming into force of that provision.
- 5 A person serving a sentence of borstal training on the date when section 45 of this Act comes into force, shall be liable to be detained in a young offenders institution, but in every other respect shall be liable to be dealt with as if the said section had not come into force.
- 6 Sections 33, 35 and 37 of, and Schedule 2 to, this Act shall not apply in relation to an appeal against, or review of, an order made on the final determination of a solemn prosecution before the coming into force of those sections and that Schedule.
- 7 Section 34 of, and Schedule 3 to, this Act shall not apply in relation to an appeal against an order made on the final determination of a summary prosecution before the coming into force of that section and Schedule.
- 8 A provision contained in paragraph 24 of Schedule 7 to this Act shall not affect the operation of the <sup>M20</sup>Rehabilitation of Offenders Act 1974 as regards any disposal which predates the coming into force of that provision.

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Marginal Citations**

**M20** 1974 c. 53.

- 9 In the application of section 66 of this Act to proceedings instituted before the coming into force of the <sup>M21</sup>Magistrates' Courts Act 1980, for the reference to section 91 of that Act in subsection (1) of the said section 66 there shall be substituted a reference to section 72B of the <sup>M22</sup>Magistrates' Courts Act 1952.

**Marginal Citations**

**M21** 1980 c. 43.

**M22** 1952 c. 55.

- 10 In the application of section 38A of the <sup>M23</sup>Criminal Law Act 1977 to the execution of extract convictions and warrants before the coming into force of the <sup>M24</sup>Magistrates' Courts Act 1980, for the reference to section 150(3) of the said Act of 1980 in the said section 38A there shall be substituted a reference to section 102(4) of the Magistrates' Courts Act 1952.

**Marginal Citations**

**M23** 1977 c. 45.

**M24** 1980 c. 43.

SCHEDULE 7

Section 83(2).

MINOR AND CONSEQUENTIAL AMENDMENTS

*The Prisons (Scotland) Act 1952 (c. 61)*

- 1—6 ..... <sup>F93</sup>

**Textual Amendments**

**F93** Sch. 5, Sch. 7 paras. 1–6, 14, 15, 17–20 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), Sch. 3

- 7 ..... <sup>F94</sup>

**Textual Amendments**

**F94** Sch. 7 paras. 7, 12, 50 repealed by Criminal Justice Act 1982 (c. 48), Sch. 16

- 8 In section 29(1) (removal for judicial purposes) after the words “young offenders centre” there shall be inserted the words “, young offenders institution”.

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C15** The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 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.

- 9 In section 30(3) (prisoners unlawfully at large) after the words “young offenders centre” there shall be inserted the words “, young offenders institution ”.

**Modifications etc. (not altering text)**

**C16** The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 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.

- 10 In section 32(2) (extension throughout the United Kingdom of certain enactments relating to supervision and recall)—
- (a) paragraph (b) shall cease to have effect ;
  - (b) in paragraph (f), the word “11” shall cease to have effect ; and
  - (c) in paragraph (i) for the words “214” there shall be substituted the words “212, 214, 421”.

**Modifications etc. (not altering text)**

**C17** The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 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.

- 11 In section 38 (construction of references to sentence of imprisonment)—
- (a) in subsection (3)(a)—
    - (i) the words “corrective training, preventive detention,” shall cease to have effect ;
    - (ii) at the end there shall be added the words “ or young offenders institution ” ; and
  - (b) in subsection (5)(a), the words “in a young offenders institution” shall cease to have effect.

**Modifications etc. (not altering text)**

**C18** The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 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.

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Textual Amendments**

**F95** Sch. 7 paras. 7, 12, 50 repealed by [Criminal Justice Act 1982 \(c. 48\)](#), **Sch. 16**

*The Criminal Justice (Scotland) Act 1963 (c. 39)*

13 In section 9(4)(a) (transfer between institutions), after the words “1957” there shall be inserted the words “ the Armed Forces Act 1976 ”.

**Modifications etc. (not altering text)**

**C19** The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 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.

14, 15. . . . . **F96**

**Textual Amendments**

**F96** Sch. 5, Sch. 7 paras. 1–6, 14, 15, 17–20 repealed by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), **Sch. 3**

*The Legal Aid (Scotland) Act 1967 (c.43)*

16 In section 1 (scope and general conditions of legal aid), at the end of subsection (7) there shall be added the following proviso—

“ :Provided that nothing in this section shall preclude a person from being given legal aid in connection with summary proceedings after conviction and before sentence where the court is considering a sentence of imprisonment or detention or the imposition of imprisonment, or detention, under section 396(2) of the Criminal Procedure (Scotland) Act 1975 in respect of failure to pay a fine, and he has not previously been sentenced to imprisonment, or detention as defined in section 41(2) (b) of the Criminal Justice (Scotland) Act 1980. ”..

**Modifications etc. (not altering text)**

**C20** The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 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.

17—20. . . . . **F97**

**Textual Amendments**

**F97** Sch. 5, Sch. 7 paras. 1–6, 14, 15, 17–20 repealed by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), **Sch. 3**



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*Changes to legislation:* There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)

*The Social Work (Scotland) Act 1968 (c. 49)*

F98 21 .....

**Textual Amendments**

**F98** Sch. 7 para. 21 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4, para. 29(3), **Sch. 5**; S.I. 1996/3201, art. 3(7) (with s. 103(1))

*[F99 The Road Traffic Act 1972 (c. 20)*

**Textual Amendments**

**F99** Sch. 7 para. 22 repealed (*prosp.*) by Transport Act 1981 (c. 56, SIF 107:1), **Sch. 12 Pt. III**

22 In section 10(4) (evidence by certificate)—

- (a) after the word “Scotland” there shall be inserted “ (a) ”; and
- (b) at the end there shall be inserted the following paragraph—
  - “(b) A written execution purporting to be signed by the person who served a copy of the certificate or of the notice in terms of subsection (3) above, together with, where appropriate, a post office receipt for the relative registered or recorded delivery letter shall be sufficient evidence of service of such a copy.”.]

**Modifications etc. (not altering text)**

**C21** The text of Sch. 7 para. 22, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

23 ..... F100

**Textual Amendments**

**F100** Sch. 7 para. 23 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 3, **Sch. 1 Pt. I**

*The Rehabilitation of Offenders Act 1974 (c. 53)*

24 In section 5 (rehabilitation periods for particular sentences)—

- (a) in subsection (1)(d)—
  - (i) after the word “life”, there shall be inserted the words “ or under section 205(2) or (3) of the Criminal Procedure (Scotland) Act 1975, ” ; and
  - (ii) for the words “or under section 57 of the Children and Young Persons (Scotland) Act 1937 (young offenders convicted of grave crimes)” there shall be substituted the words “ (young offenders

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- convicted of grave crimes) or under section 206 of the said Act of 1975 (detention of children convicted on indictment) ” ;
- (b) in subsection (2), in Table B, in the first column—
  - (i) for the words “57 of the said Act of 1937” there shall be substituted the words “ 206 of the Criminal Procedure (Scotland) Act 1975 ” ; and
  - (ii) the words “or under section 7 of the Criminal Justice (Scotland) Act 1963” shall cease to have effect ;
- (c) in subsection (5) for paragraph (c) there shall be substituted the following paragraph—
  - “(c) an order under section 413 of the Criminal Procedure (Scotland) Act 1975 committing a child for the purpose of his undergoing residential training ;” ; and
- (d) in subsection (9)—
  - (i) in paragraph (a), for the words “in a young offenders institution in Scotland” there shall be substituted the words “ under section 207 or 415 of the Criminal Procedure (Scotland) Act 1975 ” ; and
  - (ii) in paragraph (b) for the words “section 57 of the said Act of 1937” there shall be substituted the words “ section 206 of the said Act of 1975 ”.

**Modifications etc. (not altering text)**

**C22** The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 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.

*The Criminal Procedure (Scotland) Act 1975 (c.21)*

F101 25 .....

**Textual Amendments**

**F101** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F102 26 .....

**Textual Amendments**

**F102** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, s. 6, 7(2), **Sch 5**(with Sch.3 Pt.11, paras. 1, 16, 17)

F103 27 .....

**Textual Amendments**

**F103** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F104 28 .....

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Textual Amendments**

**F104** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

**F105**29 .....

**Textual Amendments**

**F105** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

**F106**30 .....

**Textual Amendments**

**F106** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

**F107**31 .....

**Textual Amendments**

**F107** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

**F108**32 .....

**Textual Amendments**

**F108** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, s. 4, 6 Sch 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

**F109**33 .....

**Textual Amendments**

**F109** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

**F110**34 .....

**Textual Amendments**

**F110** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

**F111**35 .....

**Textual Amendments**

**F111** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

**F112**36 .....

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Textual Amendments**

F112 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F113<sup>37</sup> .....

**Textual Amendments**

F113 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F114<sup>38</sup> .....

**Textual Amendments**

F114 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F115<sup>39</sup> .....

**Textual Amendments**

F115 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F116<sup>40</sup> .....

**Textual Amendments**

F116 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F117<sup>41</sup> .....

**Textual Amendments**

F117 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F118<sup>42</sup> .....

**Textual Amendments**

F118 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F119<sup>43</sup> .....

**Textual Amendments**

F119 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F120<sup>44</sup> .....

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Textual Amendments**

**F120** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F121</sup>45 .....

**Textual Amendments**

**F121** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F122</sup>46 .....

**Textual Amendments**

**F122** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

47 ..... <sup>F123</sup>

**Textual Amendments**

**F123** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F124</sup>48 .....

**Textual Amendments**

**F124** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, s. 4, 6 Sch 5 (with Sch.3 Pt.11, paras. 1, 16, 17)

<sup>F125</sup>49 .....

**Textual Amendments**

**F125** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

50 ..... <sup>F126</sup>

**Textual Amendments**

**F126** Sch. 7 paras. 7, 12, 50 repealed by Criminal Justice Act 1982 (c. 48), **Sch. 16**

<sup>F127</sup>51 .....

**Textual Amendments**

**F127** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F128</sup>52 .....

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Textual Amendments**

**F128** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F129</sup>53 .....

**Textual Amendments**

**F129** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F130</sup>54 .....

**Textual Amendments**

**F130** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F131</sup>55 .....

**Textual Amendments**

**F131** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F132</sup>56 .....

**Textual Amendments**

**F132** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F133</sup>57 .....

**Textual Amendments**

**F133** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F134</sup>58 .....

**Textual Amendments**

**F134** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F135</sup>59 .....

**Textual Amendments**

**F135** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F136</sup>60 .....

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Textual Amendments**

**F136** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F137</sup>61 .....

**Textual Amendments**

**F137** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F138</sup>62 .....

**Textual Amendments**

**F138** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F139</sup>63 .....

**Textual Amendments**

**F139** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F140</sup>64 .....

**Textual Amendments**

**F140** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F141</sup>65 .....

**Textual Amendments**

**F141** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F142</sup>66 .....

**Textual Amendments**

**F142** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F143</sup>67 .....

**Textual Amendments**

**F143** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F144</sup>68 .....

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Textual Amendments**

F144 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F145 69 .....

**Textual Amendments**

F145 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F146 70 .....

**Textual Amendments**

F146 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F147 71 .....

**Textual Amendments**

F147 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F148 72 .....

**Textual Amendments**

F148 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F149 73 .....

**Textual Amendments**

F149 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F150 74 .....

**Textual Amendments**

F150 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F151 75 .....

**Textual Amendments**

F151 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F152 76 .....



*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**Textual Amendments**

**F152** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F153 77 .....

**Textual Amendments**

**F153** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F154 78 .....

**Textual Amendments**

**F154** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

*The Criminal Law Act 1977 (c. 45)*

79 In section 39(3) (service of summonses and citations throughout the United Kingdom)—

(a) after the word “include” there shall be inserted “ (a) ” ; and

(b) at the end there shall be added the following paragraph—

“(b) persons authorised by a chief officer of police in England or Wales to serve summonses there.”.

**Modifications etc. (not altering text)**

**C23** The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 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.

SCHEDULE 8

Section 83(3).

REPEALS

**Modifications etc. (not altering text)**

**C24** The text of Sch. 7 para. 22, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of repeal
7 Anne c. 21.	The Treason Act 1708.	Section 7.
39 & 40 Geo. 3. c. 93.	The Treason Act 1800.	The whole Act.

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*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

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8 & 9 Vict. c. 33.	The Railways Clauses Consolidation (Scotland) Act 1845.	Section 144.
38 & 39 Vict. c. 86.	The Conspiracy, and Protection of Property Act 1875.	Section 11.
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act 1887.	Schedules F and G.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act 1892.	Section 382.
2 & 3 Geo. 5. c. 14.	The Protection of Animals (Scotland) Act 1912.	Section 4.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	Section 26(5).
8 & 9 Geo. 6. c. 44.	The Treason Act 1945.	The whole Act.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	Section 21.
		Section 75(3)(e).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act 1952.	Section 7(4).
		Section 19.
		In section 31(4), in paragraph (i) of the proviso, the words “, section nineteen, subsections (2) to (6) of section twenty” ; and paragraph (iv) of the proviso.
		Sections 32 and 33.
		Section 35(5)(a).
		In section 37(2), the words “Borstal institution” in both places where they occur.
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	Section 246.
9 & 10 Eliz. 2. c. 39. . . F155	The Criminal Justice Act 1961. . . F155	. . . F155
		In section 32(2), paragraph (b), and in paragraph (f) “11”.
		In section 38, in subsection (3)(a) the words “corrective training, preventive detention,” ;

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*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

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		and in subsection (5)(a) the words “in a young offenders institution”.
		In section 39(1), in paragraph (b) of the definition of “appropriate institution”, the words “England and Wales or”.
1962 c. 52.	The Penalties for Drunkenness Act 1962.	In section 1(2)(a) the words “the first paragraph of subsection (1) of section seventy of the Licensing (Scotland) Act 1903,” and in section 1(2)(b) the words “or the said section seventy”.
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	Section 2.  Sections 4 and 5.  Section 9(1) and (2).  Section 11.  In section 50(1), the words “(other than orders made under section 11, section 12(1) or (3) or section 22)”.
1967 c. 76.	The Road Traffic Regulations Act 1967.	Section 93.
1967 c. 80.	The Criminal Justice Act 1967.	In section 60—  in subsection (6) the words from “—(a)” to “case,” in paragraph (b); and  in subsection (8), in paragraph (c) the letter “(a)”.  In section 70(1) the words “corrective training or preventive detention”.
1968 c. 27.	The Firearms Act 1968.	In Schedule 6 Part II, paragraph I.
1971 c. 77.	The Immigration Act 1971.	In section 6(5) the words “(a) except in Scotland” ; and the words from “; and (b)” to the end.
1972 c. 20.	The Road Traffic Act 1972.	In Schedule 4 Part IV, paragraph 3.

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*Status: Point in time view as at 01/04/1997.*

**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

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1974 c. 53.	The Rehabilitation of Offenders Act 1974.	In section 5(2), in Table B the words “or under section 7 of the Criminal Justice (Scotland) Act 1963”.
1975 c. 14.	The Social Security Act 1975.	Section 147(6).
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In section 68(3) the words “where the accused pleads not guilty at the first diet”. Section 74(3). Sections 105 to 107. Sections 120 to 122. In section 141, the words “and the spouse of the accused” ; in proviso (b) the words “or the spouse of the accused” ; provisos (c) and (d) ; and in proviso (g) the words “or section 143 of this Act”. In section 191(1) the words “under this Part of this Act”. In section 193(2) the words from “as” to the end. Section 195. Sections 197 to 202. Section 204. Sections 208 to 211. In section 218 the words “in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952”. In section 228, the proviso. Section 229. Section 232. In section 234 in each of subsections (1) and (3) the words “or an applicant for leave to appeal” and the words “or application for leave to appeal”.

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*Status: Point in time view as at 01/04/1997.*

**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

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In section 236 the words “or application for leave to appeal”.

In section 240 the words “and on an application for leave to appeal”.

In section 245(3) the words “from the sheriff court”.

In section 247 the words “to give leave to appeal” and the words “or of an application for leave to appeal”.

Section 253(2).

In section 257 the words “or applicant” and in both places where they occur the words “or application for leave to appeal”.

In section 263(1) the words “or an application for leave to appeal”.

In section 265(3) the words “either upon grounds of law alone, or with the certificate of the said judge upon any grounds mentioned in section 228(b) of this Act”.

In section 272 the words “or of application for leave to appeal” ; in the three places where they occur the words “or application for leave to appeal” ; and the words “or application” in the fourth place where they occur.

In section 274(1) the words “or may be authorised” and the words “or application for leave to appeal”.

In section 277 the words “and application for leave to appeal” ; the words “or application” in both places where they occur ; the words “section 229” ; the words “section 232” ; and the words “section 233”.

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*Status: Point in time view as at 01/04/1997.*

**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

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In section 285, in paragraph (b), subparagraph (iv), and the proviso.

Section 289D(3)(c).

In section 296(5) the words “(including any continuation of diet)”.

In section 310 the word “subsequent” where it first occurs.

In section 314(3) the words “or a later”.

Section 337(e).

In section 346, the words “and the spouse of the accused”; in paragraph (b) of the proviso the words “or the spouse of the accused”; paragraphs (c) and (d) of the proviso; and in paragraph (g) of the proviso the words “or section 348 of this Act”.

Section 365.

In section 392(1) the words “on indictment” and the words “under Part I of this Act”.

In section 399(1), the words from “and it” to the end.

Section 405.

Section 410.

Section 411(2).

Section 414.

Sections 416 to 420.

In section 434(3) the words from “and, without” to the end.

Section 444(6).

Section 445.

In section 447(2) the words from “of the form” to “or”.

Section 448(9).

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*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

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		Section 454(2).
		Section 460(5) and (6).
		Schedule 4.
		In Schedule 7B, in paragraph 1, sub-paragraphs (1)(a) and (2)(c).
		In Schedule 9, paragraph 40.
1975 c. 61.	The Child Benefit Act 1975.	Section 11(8).
1976 c. 66.	The Licensing (Scotland) Act 1976.	Section 128(2).
1976 c. 67.	The Sexual Offences (Scotland) Act 1976.	Section 7.
		Section 16.
1976 c. 71.	The Supplementary Benefits Act 1976.	Section 26(5).
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 11, paragraphs 11 to 13.
1979 c. 2.	The Customs and Excise Management Act 1979.	Section 149(2).

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**Textual Amendments**

**F155** Entry relating to s. 26(5) of the Criminal Justice Act 1961 in Sch. 8 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1](#), Pt. I

**Status:**

Point in time view as at 01/04/1997.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980.