



# Criminal Procedure (Consequential Provisions) (Scotland) Act 1995

## CHAPTER 40

### CRIMINAL PROCEDURE (CONSEQUENTIAL PROVISIONS) (SCOTLAND) ACT 1995

- 1 Interpretation.
- 2 Continuity of the law.
- 3 Rationalisation of penalties.
- 4 Transitional, transitory and savings.
- 5 Minor and consequential amendments.
- 6 Repeals.
- 7 Short title, interpretation, commencement and extent.

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#### SCHEDULES

##### SCHEDULE 1 — Setting and alteration of certain penalties

###### *Amendments relating to penalties and mode of trial for offences made triable only summarily*

- 1 (1) The enactments specified in column 2 of Part I...

###### *Penalties on summary conviction for offences triable either summarily or on indictment*

- 2 (1) Where an offence created by a relevant enactment may...

###### *Increase of fines for certain summary offences*

- 3 (1) The enactments specified in column 2 of Part II...

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*Penalties for first and subsequent convictions of summary offences to be the same*

- 4 (1) Subject to sub-paragraphs (2) to (4) and (6) below,...

*Increases of fines for certain summary offences*

- 5 (1) Subject to sub-paragraphs (3) to (8) and (10) below,...

*Standard scale: amendment of enactments*

- 6 (1) Subject to sub-paragraph (5) below, where—

*Statutory maximum as penalty in respect of summary conviction for offences in subordinate instruments*

- 7 (1) Where there is, under any enactment (however framed or...

*Fines under secondary subordinate instruments*

- 8 (1) This paragraph applies to any instrument (however framed or...

*Fines on summary conviction for offences under subordinate instruments: conversion to references to levels on scale*

- 9 (1) Where an instrument which was made under an enactment...

*Part III of Schedule 2*

- 10 (1) The enactments specified in column 1 of Part III...

*Alteration of penalties on summary conviction of certain offences under the Misuse of Drugs Act 1971*

- 11 (1) The Misuse of Drugs Act 1971 shall be amended...

*Transitional provisions and savings*

- 12 (1) The following transitional provisions and savings relating to the...

SCHEDULE 2 — Increase in Certain Penalties

Part I — OFFENCES MADE TRIABLE ONLY SUMMARILY, AND RELATED AMENDMENTS

Part II — INCREASE OF FINES FOR CERTAIN SUMMARY OFFENCES

Part III — FINES TO BE ALTERED OTHER THAN IN ACCORDANCE WITH PARAGRAPHS 4 AND 5 OF SCHEDULE 1

SCHEDULE 3 — Transitional Provisions, Transitory Modifications and Savings

Part I — GENERAL AND MISCELLANEOUS

*General saving for old savings*

- 1 The repeal by this Act of an enactment previously repealed...

*Documents referring to repealed enactments*

- 2 Any document made served or issued after this Act comes...

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*Provisions relating to the coming into force of other provisions*

3 (1) The repeal by this Act of a provision providing...

Part II — SPECIFIC PROVISIONS

*Local government reform*

4 (1) At any time before 1 April 1996 or the...

*The Principal Reporter*

5 Until the coming into force of section 127 of the...

*Penalties*

6 (1) The repeal by this Act of any enactment—

*District court procedure*

7 The repeal by this Act of section 4 of the...

*Detention of children in summary proceedings*

8 Notwithstanding the repeal by Schedule 2 of the Criminal Justice...

*Effect of probation and absolute discharge*

9 Subsections (1) and (2) of section 246 of the Principal...

*Restriction on discharge of hospital order*

10 Until the coming into force of section 54 of the...

*Aiding and abetting*

11 Subsection (2) of section 293 of the Principal Act shall...

*Penal servitude and hard labour*

12 (1) Any enactment which confers power on a court to...

*Supervised attendance orders*

13 (1) In section 235 of the Principal Act, paragraph (b)...

*Hearsay evidence*

14 Nothing in the sections 259 to 261 of the Principal...

*Confiscation of proceeds of crime, etc.*

15 (1) Where a person is charged with an offence in...

*Criminal Justice (Scotland) Act 1995 (c. 20)*

16 (1) Any enactment repealed by this Act which has been...

*Children (Scotland) Act 1995 (c. 36)*

17 Any enactment repealed by this Act which has been amended...

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### *False oaths*

18 Where an offence mentioned in section 45(5) of the Criminal...

#### SCHEDULE 4 — Minor and Consequential Amendments

##### *Jurors (Scotland) Act 1825 (c. 22)*

1 In section 3 of the Jurors (Scotland) Act 1825 (sheriff...

##### *Bankers' Books Evidence Act 1879 (c. 11)*

2 In section 6 of the Bankers' Books Evidence Act 1879...

##### *The Children and Young Persons (Scotland) Act 1937 (c. 37)*

3 (1) The Children and Young Persons (Scotland) Act 1937, shall...

##### *The Trade Marks Act 1938 (c. 22)*

4 In section 58B of the Trade Marks Act 1938 (delivery...

##### *The Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)*

5 In section 8(1)(b) of the Backing of Warrants (Republic of...

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

6 (1) The Social Work (Scotland) Act 1968 shall be amended...

##### *Sea Fisheries Act 1968 (c. 77)*

7 In section 13(2) of the Sea Fisheries Act 1968 (power...

##### *European Communities Act 1972 (c. 68)*

8 In subsection (1) of section 11 of the European Communities...

##### *Fair Trading Act 1973 (c. 41)*

9 In subsection (3) of section 129 of the Fair Trading...

##### *Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14)*

10 In section 2(3) of the Fatal Accidents and Sudden Deaths...

##### *Freshwater and Salmon Fisheries (Scotland) Act 1976 (c. 22)*

11 In subsection (9) of section 1 of the Freshwater and...

##### *Restrictive Trade Practices Act 1976 (c. 34)*

12 (1) The Restrictive Trade Practices Act 1976 shall be amended...

##### *International Carriage of Perishable Foodstuffs Act 1976 (c. 58)*

13 In subsection (2) of section 12 of the International Carriage...

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*Marriage (Scotland) Act 1977 (c. 15)*

14 In subsection (3) of section 24 of the Marriage (Scotland)...

*Refuse Disposal (Amenity) Act 1978 (c. 3)*

15 In subsection (3) of section 2 of the Refuse Disposal...

*Adoption (Scotland) Act 1978 (c. 28)*

16 .....

*Interpretation Act 1978 (c. 30)*

17 In Schedule 1 to the Interpretation Act 1978—

*Customs and Excise Management Act 1979 (c. 2)*

18 (1) The Customs and Excise Management Act 1979 shall be...

*Customs and Excise Duties (General Reliefs) Act 1979 (c. 3)*

19 In subsection (3) of section 15 of the Customs and...

*Alcoholic Liquor Duties Act 1979 (c. 4)*

20 In subsection (1) of section 4 of the Alcoholic Liquor...

*Hydrocarbon Oil Duties Act 1979 (c. 5)*

21 In subsection (1) of section 27 of the Hydrocarbon Oil...

*Credit Unions Act 1979 (c. 34)*

22 In subsection (1) of section 31 of the Credit Unions...

*Estate Agents Act 1979 (c. 38)*

23 In subsection (1) of section 33 of the Estate Agents...

*Ancient Monuments and Archaeological Areas Act 1979 (c. 46)*

24 (1) The Ancient Monuments and Archaeological Areas Act 1979 shall...

*Isle of Man Act 1979 (c. 58)*

25 In subsection (4) of section 5 of the Isle of...

*Reserve Forces Act 1980 (c. 9)*

26 In subsection (2) of section 144 of the Reserve Forces...

*Protection of Trading Interests Act 1980 (c. 11)*

27 In subsection (5) of section 3 of the Protection of...

*Competition Act 1980 (c. 21)*

28 In subsection (7) of section 19 of the Competition Act...

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*Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)*

29 In subsection (2) of section 1 of the Licensed Premises...

*Water (Scotland) Act 1980 (c. 45)*

30 In subsection (4) of section 75 of the Water (Scotland)...

*Solicitors (Scotland) Act 1980 (c. 46)*

31 In subsection (1) of section 25A of the Solicitors (Scotland)...

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)*

32 (1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 shall...

*Criminal Justice (Scotland) Act 1980 (c. 62)*

33 In subsection (10) of section 80 of the Criminal Justice...

*Local Government, Planning and Land Act 1980 (c. 65)*

34 In subsection (14) of section 167 of the Local Government,...

*Animal Health Act 1981 (c. 22)*

35 In subsection (2) of section 92 of the Animal Health...

*Contempt of Court Act 1981 (c. 49)*

36 (1) Section 15 of the Contempt of Court Act 1981...

*The Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59)*

37 In section 17 of the Matrimonial Homes (Family Protection) (Scotland)...

*Betting and Gaming Duties Act 1981 (c. 63)*

38 In subsection (1) of section 33 of the Betting and...

*Civil Aviation Act 1982 (c. 16)*

39 In subsection (1) of section 105 of the Civil Aviation...

*Oil and Gas Enterprise Act 1982 (c. 23)*

40 .....

*Iron and Steel Act 1982 (c. 25)*

41 In subsection (1) of section 37 of the Iron and...

*Civil Jurisdiction and Judgments Act 1982 (c. 27)*

42 In subsection (4A) of section 18 of the Civil Jurisdiction...

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*Aviation Security Act 1982 (c. 36)*

43 In subsection (1) of section 38 of the Aviation Security...

*Civic Government (Scotland) Act 1982 (c. 45)*

44 (1) The Civic Government (Scotland) Act 1982 shall be amended...

*Insurance Companies Act 1982 (c. 50)*

45 (1) The Insurance Companies Act 1982 shall be amended as...

*Industrial Development Act 1982 (c. 52)*

46 In Schedule 1 to the Industrial Development Act 1982, in...

*Car Tax Act 1983 (c. 53)*

47 In Schedule 1 to the Car Tax Act 1983, in...

*Telecommunications Act 1984 (c. 12)*

48 (1) The Telecommunications Act 1984 shall be amended as follows....

*Road Traffic Regulation Act 1984 (c. 27)*

49 In subsection (2) of section 110 of the Road Traffic...

*Mental Health (Scotland) Act 1984 (c. 36)*

50 (1) The Mental Health (Scotland) Act 1984 shall be amended...

*Video Recordings Act 1984 (c. 39)*

51 In subsection (1) of section 16C of the Video Recordings...

*Repatriation of Prisoners Act 1984 (c. 47)*

52 The Schedule to the Repatriation of Prisoners Act 1984 shall...

*Foster Children (Scotland) Act 1984 (c. 56)*

53 (1) The Foster Children (Scotland) Act 1984 shall be amended...

*Rent (Scotland) Act 1984 (c. 58)*

54 In subsection (1) of section 115 of the Rent (Scotland)...

*Police and Criminal Evidence Act 1984 (c. 60)*

55 In subsection (3) of section 75 of the Police and...

*Companies Act 1985 (c. 6)*

56 (1) The Companies Act 1985 shall be amended as follows....

*Surrogacy Arrangements Act 1985 (c. 49)*

57 In subsection (6) of section 4 of the Surrogacy Arrangements...

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*The Bankruptcy (Scotland) Act 1985 (c. 66)*

58 (1) The Bankruptcy (Scotland) Act 1985 shall be amended as...

*Animals (Scientific Procedures) Act 1986 (c. 14)*

59 In subsection (4) of section 26 of the Animals (Scientific...

*Consumer Safety (Amendment) Act 1986 (c. 29)*

60 (1) The Consumer Safety (Amendment) Act 1986 shall be amended...

*Insolvency Act 1986 (c. 45)*

61 In subsection (3) of section 431 of the Insolvency Act...

*Company Directors Disqualification Act 1986 (c. 46)*

62 In subsection (1) of section 8 of the Company Directors...

*Legal Aid (Scotland) Act 1986 (c. 47)*

63 (1) The Legal Aid (Scotland) Act 1986 shall be amended...

*Social Security Act 1986 (c. 50)*

64 In subsection (5) of section 56 of the Social Security...

*Building Societies Act 1986 (c. 53)*

65 In subsection (5) of section 111 of the Building Societies...

*Financial Services Act 1986 (c. 60)*

66 In subsection (4) of section 203 of the Financial Services...

*Banking Act 1987 (c. 22)*

67 (1) The Banking Act 1987 shall be amended as follows....

*Consumer Protection Act 1987 (c. 43)*

68 In subsection (8) of section 17 of the Consumer Protection...

*The Criminal Justice Act 1988 (c. 33)*

69 (1) The Criminal Justice Act 1988 shall be amended as...

*The Copyright, Designs and Patents Act 1988 (c. 48)*

70 (1) The Copyright, Designs and Patents Act 1988 shall be...

*Road Traffic Offenders Act 1988 (c. 53)*

71 (1) The Road Traffic Offenders Act 1988 shall be amended...

*Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)*

72 .....



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*Extradition Act 1989 (c. 33)*

73 In subsection (13) of section 10 of the Extradition Act...

*Companies Act 1989 (c. 40)*

74 (1) The Companies Act 1989 shall be amended as follows....

*Prisons (Scotland) Act 1989 (c. 45)*

75 (1) The Prisons (Scotland) Act 1989 shall be amended as...

*The Criminal Justice (International Co-operation) Act 1990 (c. 5)*

76 (1) The Criminal Justice (International Co-operation) Act 1990 shall be...

*Computer Misuse Act 1990 (c. 18)*

77 In subsection (7) of section 13 of the Computer Misuse...

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)*

78 In subsection (4) of section 20 of the Law Reform...

*The Northern Ireland (Emergency Provisions) Act 1991 (c. 24)*

79 .....

*Criminal Justice Act 1991 (c. 53)*

80 (1) The Criminal Justice Act 1991 shall be amended as...

*Dangerous Dogs Act 1991 (c. 65)*

81 In subsection (9) of section 4 of the Dangerous Dogs...

*Social Security Administration Act 1992 (c. 5)*

82 In subsection (7) of section 116 of the Social Security...

*Timeshare Act 1992 (c. 35)*

83 In subsection (3) of section 11 of the Timeshare Act...

*Friendly Societies Act 1992 (c. 40)*

84 In subsection (5) of section 107 of the Friendly Societies...

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

85 In subsection (6) of section 45A of the Trade Union...

*Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)*

86 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall...

*Agriculture Act 1993 (c. 37)*

87 In subsection (5) of section 52 of the Agriculture Act...

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*Railways Act 1993 (c. 43)*

88 In subsection (5) of section 148 of the Railways Act...

*Finance Act 1994 (c. 9)*

89 (1) The Finance Act 1994 shall be amended as follows....

*Vehicle Excise and Registration Act 1994 (c. 22)*

90 (1) The Vehicle Excise and Registration Act 1994 shall be...

*Value Added Tax Act 1994 (c. 23)*

91 In Schedule 11 of the Value Added Tax Act 1994—...

*Trade Marks Act 1994 (c. 26)*

92 (1) The Trade Marks Act 1994 shall be amended as...

*Criminal Justice and Public Order Act 1994 (c. 33)*

93 (1) The Criminal Justice and Public Order Act 1994 shall...

*The Drug Trafficking Act 1994 (c. 37)*

94 (1) The Drug Trafficking Act 1994 shall be amended as...

*Local Government etc. (Scotland) Act 1994 (c. 39)*

95 (1) The Local Government etc. (Scotland) Act 1994 shall be...

*Deregulation and Contracting Out Act 1994 (c. 40)*

96 In subsection (2) of section 2 of the Deregulation and...

*Children (Scotland) Act 1995 (c. 36)*

97 (1) The Children (Scotland) Act 1995 shall be amended as...

*Pensions Act 1995 (c. 26)*

98 In subsection (5) of section 100 of the Pensions Act...

*Note*

99 The amendments made by this Schedule to—

SCHEDULE 5 — Repeals

SCHEDULE 6 — Provisions repealed with savings

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