



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

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...

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...

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...

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...

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 In subsection (1) of section 37 of the Adoption (Scotland)...

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...

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 In subsection (1) of section 28 of the Oil and...

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...

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...

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 (1) The Prevention of Terrorism (Temporary Provisions) Act 1989 shall...

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 In section 50(2) of the Northern Ireland (Emergency Provisions) Act...

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...

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