

*Status: Point in time view as at 05/10/2005.*

**Changes to legislation:** There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4

Section 5.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Extent Information

- E1** This Act extends to S. but any amendment contained in Sch. 4 of any enactment which extends to E.W. or N.I. also so extends, see [s. 7\(5\)](#)

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

- 1 In section 3 of the Jurors (Scotland) Act 1825 (sheriff principal to maintain lists of potential jurors)—
- (a) the existing provision shall become subsection (1);
  - (b) in that subsection, for the word “designations” there shall be substituted “addresses”; and
  - (c) after that subsection there shall be inserted the following subsections—
    - “(2) For the purpose of maintaining lists of potential jurors under subsection (1) above, a sheriff principal may require any person in the sheriff court district in question who appears to him to be qualified and liable to serve as a juror to provide such information, and in such form, as the Secretary of State may by order prescribe.
    - (3) A statutory instrument containing an order prescribed by virtue of subsection (2) above shall be subject to annulment pursuant to a resolution of either House of Parliament.
    - (4) Any person who fails to comply with a requirement under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.
    - (5) In proceedings against a person for an offence under subsection (4) above it is a defence to prove that he had reasonable excuse for the failure.”

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

- 2 In section 6 of the Bankers’ Books Evidence Act 1879 (case in which banker not compellable to produce book), after the word “1988” there shall be inserted the words “ or Schedule 8 to the Criminal Procedure (Scotland) Act 1995 ”.

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

- 3 (1) The Children and Young Persons (Scotland) Act 1937, shall be amended as follows.

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

(2) After section 62 there shall be inserted the following section—

**“63 Register of children found guilty of offences.**

In addition to any other register required by law, a separate register of children found guilty of offences and of children discharged on bond or put on probation shall be kept for every summary court by the chief constable or other person charged with the duty of keeping registers of convictions. The register shall apply to children of such age, and shall include such particulars, as may be directed by the Secretary of State, and it shall be the duty of the keeper of the register, within seven days after any such child has been dealt with by the court, to transmit a copy of the entry relating to the child to the education authority for the area in which the child resides.”

(3) Before section 104 there shall be added the following section—

**“103 Proof of age a defence.**

Where a person is charged with an offence under this Act in respect of a person apparently under a specified age, it shall be a defence to prove that the person was actually of or over that age.”

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

4 In section 58B of the Trade Marks Act 1938 (delivery up of offending goods and material), in subsection (6) for the words “Chapter II of Part II of the Criminal Justice (Scotland) Act 1995” there shall be substituted the words “ Part II of the Proceeds of Crime (Scotland) Act 1995. ”

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

5 In section 8(1)(b) of the Backing of Warrants (Republic of Ireland) Act 1965 (rules of court), for the words “section 457ZA of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 306 of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 6 (1) The Social Work (Scotland) Act 1968 shall be amended as follows.
- (2) In subsection (1B) of section 5 (powers of Secretary of State), for paragraph (f) there shall be substituted the following paragraph—
  - “(f) section 51 of the Criminal Procedure (Scotland) Act 1995;”.
- (3) In subsection (1) of section 6A (power to hold inquiries) for sub-paragraph (ii) of paragraph (d) there shall be substituted—
  - “(ii) section 44 or 208 of the Criminal Procedure (Scotland) Act 1995;”.
- (4) In subsection (1) of section 27 (supervision and care of certain persons)—
  - <sup>F1</sup>(a) .....

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

- (b) in paragraph (b)(iii) for the words “the Community Service by Offenders (Scotland) Act 1978” there shall be substituted the words “ section 238 of the Criminal Procedure (Scotland) Act 1995 ”;
- (c) in paragraph (b)(iv) for the words “section 62 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990” there shall be substituted the words “ section 235 of the said Act of 1995 ”; and

<sup>F1</sup>(d) .....

**Textual Amendments**

**F1** Sch. 4 para. 6(4)(a)(d) repealed (1.8.1997) by 1997 c. 48, s. 62(1)(2), Sch. 1 para. 19(3)(a), Sch. 3; S.I. 1997/1712, art. 3, Sch.

*Sea Fisheries Act 1968 (c. 77)*

- 7 In section 13(2) of the Sea Fisheries Act 1968 (power to award compensation), for “£400” there shall be substituted the words “ level 5 on the standard scale ”.

*European Communities Act 1972 (c. 68)*

- 8 In subsection (1) of section 11 of the European Communities Act 1972 (making a false statement before the European Court) for the words “section 1 of the False Oaths (Scotland) Act 1933” there shall be substituted the words “ section 44(1) of the Criminal Law (Consolidation) (Scotland) Act 1995 ”.

*Fair Trading Act 1973 (c. 41)*

- 9 In subsection (3) of section 129 of the Fair Trading Act 1973 (time-limit for prosecutions)—
- (a) for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) for the words “subsection (3) of the said section 331” there shall be substituted the words “ subsection (3) of the said section 136 ”.

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

- 10 In section 2(3) of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 for “£25” there shall be substituted the words “ level 3 on the standard scale ”.

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

- 11 <sup>F2</sup>In subsection (9) of section 1 of the Freshwater and Salmon Fisheries (Scotland) Act 1976 for the words “the operation of section 312(o) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ paragraph 10 of Schedule 3 to the Criminal Procedure (Scotland) Act 1995 ”.]

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

### Textual Amendments

- F2** Sch. 4 para. 11 repealed (S.) (1.4.2005) by [Salmon and Freshwater Fisheries \(Consolidation\) \(Scotland\) Act 2003 \(asp 15\)](#), ss. 70, 71(2) (with s. 71(3)(4)(6)); S.S.I. 2005/174, **art. 2**

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

- 12 (1) The Restrictive Trade Practices Act 1976 shall be amended as follows.
- (2) In subsection (3) of section 39 (time limit for prosecution) the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 136 of the Criminal Procedure (Scotland) Act 1995”.
- (3) In subsection (6) of section 41 (time limit for prosecution of offences relating to disclosure of documents)—
- (a) for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 136 of the Criminal Procedure (Scotland) Act 1995”; and
  - (b) for the words “subsection (3) of the said section 331” there shall be substituted the words “subsection (3) of the said section 136”.

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

- 13 In subsection (2) of section 12 of the International Carriage of Perishable Foodstuffs Act 1976 for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 136 of the Criminal Procedure (Scotland) Act 1995”.

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

- 14 In subsection (3) of section 24 of the Marriage (Scotland) Act 1977 for the words “section 331 of the Criminal Procedure (Scotland) Act 1975 (date of commencement of summary proceedings)” there shall be substituted the words “section 136 of the Criminal Procedure (Scotland) Act 1995 (time limit for certain offences)”.

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

- 15 In subsection (3) of section 2 of the Refuse Disposal (Amenity) Act 1978 for the words “section 462(1) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 307(1) of the Criminal Procedure (Scotland) Act 1995”.

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

- <sup>F3</sup>16 .....

### Textual Amendments

- F3** Sch. 4 para. 16 repealed (1.8.1997) by [1997 c. 48](#), s. 62(1)(2), [Sch. 1 para. 19\(3\)\(b\)](#), **Sch. 3**; S.I. 1997/1712, art. 3, **Sch.**

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

*Interpretation Act 1978 (c. 30)*

- 17 In Schedule 1 to the Interpretation Act 1978—
- (a) in paragraph (b) of the definition of “the standard scale” for the words “section 289G of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(1) of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) in paragraph (b) of the definition of “statutory maximum” for the words “section 289B(6) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(8) of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 18 (1) The Customs and Excise Management Act 1979 shall be amended as follows.
- (2) In subsection (6) of section 118A (duty of revenue traders to keep records), in paragraph (d) for the words “Schedule 3 to the Prisoners and Criminal Evidence (Scotland) Act 1993” there shall be substituted the words “ Schedule 8 to the Criminal Procedure (Scotland) Act 1995 ”.
  - (3) In subsection (3) of section 118C (search warrant) for the words “section 462 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 307 of the Criminal Procedure (Scotland) Act 1995 ”.
  - (4) In subsection (1) of section 118D (order for access to certain information) for the words “section 462 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 307 of the Criminal Procedure (Scotland) Act 1995 ”.
  - (5) In subsection (2) of section 171, in paragraph (b) for the words from “section 289B” to the end of the paragraph there shall be substituted the words “ subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 (£5,000 or other sum substituted by order under subsection (4) of that section) ”.

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

- 19 In subsection (3) of section 15 of the Customs and Excise Duties (General Reliefs) Act 1979, in paragraph (b) for the words from “section 289B” to the end of the paragraph there shall be substituted the words “ subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 (£5,000 or other sum substituted by order under subsection (4) of that section) ”.

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

- 20 In subsection (1) of section 4 of the Alcoholic Liquor Duties Act 1979, in the definition of “the prescribed sum”, in paragraph (b) for the words from “section 289B” to the end of the paragraph there shall be substituted the words “ subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 (£5,000 or other sum substituted by order under subsection (4) of that section) ”.

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

- 21 In subsection (1) of section 27 of the Hydrocarbon Oil Duties Act 1979, in the definition of “the prescribed sum”, in paragraph (b) for the words from

*Status: Point in time view as at 05/10/2005.*

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“section 289B” to the end of the paragraph there shall be substituted the words “ subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 (£5,000 or other sum substituted by order under subsection (4) of that section) ”.

*Credit Unions Act 1979 (c. 34)*

- 22 In subsection (1) of section 31 of the Credit Unions Act 1979, in the definition of “statutory maximum”, in paragraph (b) for the words from “section 289B” to the end of the paragraph there shall be substituted the words “ subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 ”.

*Estate Agents Act 1979 (c. 38)*

- 23 In subsection (1) of section 33 of the Estate Agents Act 1979, in the definition of “the statutory maximum”, in paragraph (b) for the words “section 289B of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 24 (1) The Ancient Monuments and Archaeological Areas Act 1979 shall be amended as follows.
- (2) In section 59, for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.
- (3) In subsection (1) of section 61, in the definition of “the statutory maximum” in sub-paragraph (i) of paragraph (b) for the words from “section 289B” to the end of the sub-paragraph there shall be substituted the words “ subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 (that is to say £5,000 or another sum fixed by order under subsection (4) of that section for that purpose) ”.

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

- 25 In subsection (4) of section 5 of the Isle of Man Act 1979, for the words “section 462(1) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 307(1) of the Criminal Procedure (Scotland) Act 1995 ”.

*Reserve Forces Act 1980 (c. 9)*

- 26 In subsection (2) of section 144 of the Reserve Forces Act 1980, in paragraph (b) for the words “section 289B of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(8) of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 27 In subsection (5) of section 3 of the Protection of Trading Interests Act 1980, in paragraph (b) for the words “section 289B of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(8) of the Criminal Procedure (Scotland) Act 1995 ”.

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

*Competition Act 1980 (c. 21)*

- 28 In subsection (7) of section 19 of the Competition Act 1980, in paragraph (b) for the words “section 289B of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(8) of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 29 In subsection (2) of section 1 of the Licensed Premises (Exclusion of Certain Persons) Act 1980, in paragraph (c) for the words from “sections” to “1975” there shall be substituted the words “ sections 228, 246(2) and (3) and 247 of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 30 F4 .....

**Textual Amendments**

- F4** Sch. 4 para. 30 repealed (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), ss. 144(2), 145(2), [Sch. 5](#); S.S.I. 2004/420, [art. 3](#), Sch. 1

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

- 31 In subsection (1) of section 25A of the Solicitors (Scotland) Act 1980 (rights of audience) for the words from “section 250” to “1975” there shall be substituted the words “ section 103(8) of the Criminal Procedure (Scotland) Act 1995 (right of solicitor to appear before single judge) ”.

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

- 32 (1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 shall be amended as follows.
- (2) After subsection (5) of section 1 (persons excused from jury service for good reason) there shall be inserted the following subsection—
- “(5A) Where the clerk of court has, under subsection (5) above, excused a person from jury service in any criminal proceedings he shall, unless he considers there to be exceptional circumstances which make it inappropriate to do so, within one year of the date of that excusal cite that person to attend for jury service in criminal proceedings.”
- (3) In subsection (6) of that section, for paragraph (c) there shall be substituted the following—
- “(c) section 85(8) or 88(7) of the Criminal Procedure (Scotland) Act 1995.”.
- (4) In Schedule 1 (ineligibility for and disqualification and excusal from jury service)—
- (a) in Part I (persons ineligible), in paragraph (p) of Group B for the words “section 462(1) of the Criminal Procedure (Scotland) Act 1975” there

*Status: Point in time view as at 05/10/2005.*

**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

shall be substituted the words “ section 307(1) of the Criminal Procedure (Scotland) Act 1995 ”;

- (b) in Part II (persons disqualified from jury service), at the end of paragraph (b) there shall be inserted—
  - “(c) in respect of jury service in any criminal proceedings, persons who are on bail in or in connection with criminal proceedings in any part of the United Kingdom.”; and
- (c) in Part III (persons excusable as of right), at the end of Group D there shall be inserted—

### “GROUP DD

#### *Members of certain religious bodies*

In respect of jury service in any criminal proceedings, practising members of religious societies or orders the tenets or beliefs of which are incompatible with jury service.”

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

- 33 In subsection (10) of section 80 of the Criminal Justice (Scotland) Act 1980, for the words “section 289B of the 1975 Act” there shall be substituted the words “ section 225(8) of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 34 In subsection (14) of section 167 of the Local Government, Planning and Land Act 1980, in paragraph (b) of the definition of “the statutory maximum” for the words “section 289B of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(8) of the Criminal Procedure (Scotland) Act 1995 ”.

#### *Animal Health Act 1981 (c. 22)*

- 35 In subsection (2) of section 92 of the Animal Health Act 1981, for the words “section 284 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 7(6) of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 36 (1) Section 15 of the Contempt of Court Act 1981 (penalties for contempt in Scottish proceedings) shall be amended as follows.
- (2) In subsection (2)—
    - (a) in paragraph (a) for “£500” there shall be substituted the words “ level 4 on the standard scale ”; and
    - (b) in paragraph (b) for “£200” there shall be substituted the words “ level 4 on the standard scale ”.
  - (3) For subsections (3) and (4) there shall be substituted the following—



*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

“(3) The following provisions of the Criminal Procedure (Scotland) Act 1995 shall apply in relation to persons found guilty of contempt of court in Scottish proceedings as they apply in relation to persons convicted of offences—

- (a) in every case, section 207 (restrictions on detention of young offenders);
- (b) in any case to which paragraph (b) of subsection (2) above does not apply, sections 58, 59 and 61 (persons suffering from mental disorder);

and in any case to which the said paragraph (b) does apply, subsection (5) below shall have effect.”

(4) In subsection (5)—

- (a) for the words “section 286 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 7(9) and (10) of the Criminal Procedure (Scotland) Act 1995 ”; and
- (b) for the words “section 376(1)” there shall be substituted the words “ section 58(1) ”.

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

37 In section 17 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (procedure after arrest)—

- (a) in subsection (2) for the words “section 10 of the Bail (Scotland) Act 1980” there shall be substituted the words “ section 8 of the Criminal Procedure (Scotland) Act 1995 ”; and
- (b) in subsection (3) for the words from the beginning to “1980” there shall be substituted the words “ Subsections (1) to (3) of section 15 of the said Act of 1995 ”.

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

38 In subsection (1) of section 33 of the Betting and Gaming Duties Act 1981 in the definition of “the prescribed sum”, in paragraph (b) for the words from “section 289B” to the end of the paragraph there shall be substituted the words “ subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 (£5,000 or other sum substituted by order under subsection (4) of that section) ”.

*Civil Aviation Act 1982 (c. 16)*

39 In subsection (1) of section 105 of the Civil Aviation Act 1982, in the definition of “the statutory maximum” for paragraph (b) there shall be substituted the following—

- “(b) in Scotland, the prescribed sum within the meaning of subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 (that is to say £5,000 or another sum fixed by order under subsection (4) of that section);”.

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

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

### Textual Amendments

**F5** Sch. 4 para. 40 repealed (15.2.1999) by 1998 c. 17, s. 51, Sch. 5 Pt. I (with Sch. 3 para. 5(1)); S.I. 1999/161, art. 2(1)

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

- 41 In subsection (1) of section 37 of the Iron and Steel Act 1982, in the definition of “the statutory maximum” for paragraph (b) there shall be substituted the following—
- “(b) in Scotland, the prescribed sum within the meaning of subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 (that is to say £5,000 or another sum fixed by order under subsection (4) of that section);”.

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

- 42 In subsection (4A) of section 18 of the Civil Jurisdiction and Judgments Act 1982 (enforcement of U.K. judgments in other parts of U.K.) for the words from “Part I of the Criminal Justice (Scotland) Act 1987” to the end there shall be substituted the words “ the Proceeds of Crime (Scotland) Act 1995 ”.

#### *Aviation Security Act 1982 (c. 36)*

- 43 In subsection (1) of section 38 of the Aviation Security Act 1982, in the definition of “the statutory maximum” for paragraph (b) there shall be substituted the following—
- “(b) in Scotland, the prescribed sum within the meaning of subsection (8) of section 225 of the Criminal Procedure (Scotland) Act 1995 (that is to say £5,000 or another sum fixed by order under subsection (4) of that section);”.

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

- 44 (1) The Civic Government (Scotland) Act 1982 shall be amended as follows.
- (2) In subsection (8) of section 51, in the definition of “prescribed sum” for the words “section 289B of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(8) of the Criminal Procedure (Scotland) Act 1995 ”.
- (3) In subsection (3) of section 52, for the words “section 289B of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(8) of the Criminal Procedure (Scotland) Act 1995 ”.

#### *Insurance Companies Act 1982 (c. 50)*

- 45 (1) The Insurance Companies Act 1982 shall be amended as follows.
- (2) In subsection (3) of section 14, in paragraph (b)(ii) for the words “section 289B of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(8) of the Criminal Procedure (Scotland) Act 1995 ”.

*Status: Point in time view as at 05/10/2005.*

**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

- (3) In subsection (2) of section 71, in paragraph (b)(ii) for the words “section 289B of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 225(8) of the Criminal Procedure (Scotland) Act 1995”.
- (4) In subsection (1) of section 81, in paragraph (b)(ii) for the words “section 289B of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 225(8) of the Criminal Procedure (Scotland) Act 1995”.
- (5) In subsection (4) of section 92, for the words “section 74 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 70 of the Criminal Procedure (Scotland) Act 1995”.
- (6) In subsection (4) of section 94 for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 136 of the Criminal Procedure (Scotland) Act 1995”.
- (7) In subsection (5) of that section for the words “section 331 of the said Act of 1975” there shall be substituted the words “section 136 of the said Act of 1995”.

*Industrial Development Act 1982 (c. 52)*

46 F6 .....

**Textual Amendments**

F6 Sch. 4 para. 46 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 16 Group 2}

*Car Tax Act 1983 (c. 53)*

47 F7 .....

**Textual Amendments**

F7 Sch. 4 para. 47 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 9 Group 5}

*Telecommunications Act 1984 (c. 12)*

- 48 (1) The Telecommunications Act 1984 shall be amended as follows.
- (2) F8 .....
- (3) F8 .....
- (4) In Schedule 3 (penalties and mode of trial under the Wireless Telegraphy Act 1949), in paragraph 3(b) for the words “Chapter II of Part II of the Criminal Justice (Scotland) Act 1995” there shall be substituted the words “Part II of the Proceeds of Crime (Scotland) Act 1995”.

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

**Textual Amendments**

- F8** Sch. 4 para. 48(2)(3) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2)(3), Sch. 19 (with Note 1 and with transitional provisions in Sch. 18); S.I. 2003/3142, [art. 3\(1\)](#), Sch. 1 (subject to [art. 3\(3\)](#) and with [art. 11](#))

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

- 49 In subsection (2) of section 110 of the Road Traffic Regulation Act 1984—
- (a) for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) for the words “section 331” where they second occur there shall be substituted the words “ section 136 ”.

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

- 50 <sup>F9</sup> .....

**Textual Amendments**

- F9** Sch. 4 para. 50 repealed (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), ss. 331(2), 333(3), [Sch. 5 Pt. 1](#); S.S.I. 2005/161, [art. 3](#)

*Video Recordings Act 1984 (c. 39)*

- 51 In subsection (1) of section 16C of the Video Recordings Act 1984 (sheriff’s jurisdiction), for the words “section 287 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 9 of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 52 The Schedule to the Repatriation of Prisoners Act 1984 shall be amended as follows—
- (a) in paragraph 4(2) for the words “section 207 or 415 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 207 of the Criminal Procedure (Scotland) Act 1995 ”;
  - (b) in paragraph 5(3) for “1975” there shall be substituted “ 1995 ”.

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

- 53 (1) The Foster Children (Scotland) Act 1984 shall be amended as follows.
- (2) In section 7, in paragraph (c) of subsection (1) for the words “Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Criminal Procedure (Scotland) Act 1995 ”.

- <sup>F10</sup>(3) .....

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

### Textual Amendments

**F10** Sch. 4 para. 53(3) repealed (1.8.1997) by 1997 c. 48, s. 62(1)(2), Sch. 1 para. 19(3)(d), Sch. 3; S.I. 1997/1712, art. 3, Sch.

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

- 54 In subsection (1) of section 115 of the Rent (Scotland) Act 1984, in the definition of—
- (a) “the standard scale” for the words “section 289G of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(1) of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) “the statutory maximum” for the words “section 289B(6) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 225(8) of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 55 In subsection (3) of section 75 of the Police and Criminal Evidence Act 1984—
- (a) for the words “section 392 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 247 of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) for the words “section 182 or section 183 of the said Act of 1975” there shall be substituted the words “ section 228 or section 246(3) of the said Act of 1995 ”.

#### *Companies Act 1985 (c. 6)*

- 56 (1) The Companies Act 1985 shall be amended as follows.
- (2) In section 440, for the words “section 52 of the Criminal Justice (Scotland) Act 1987” there shall be substituted the words “ section 28 of the Criminal Law (Consolidation) (Scotland) Act 1995 ”.
  - (3) In subsection (3) of section 731, for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.
  - (4) In subsection (4) of section 734, for the words “section 74 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 70 of the Criminal Procedure (Scotland) Act 1995 ”.

#### *Surrogacy Arrangements Act 1985 (c. 49)*

- 57 In subsection (6) of section 4 of the Surrogacy Arrangements Act 1985, for the words “section 331(1) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136(1) of the Criminal Procedure (Scotland) Act 1995 ”.

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

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

- 58 (1) The Bankruptcy (Scotland) Act 1985 shall be amended as follows.
- (2) In section 5(4) (meaning of qualified creditor), for the words “or by section 114(1) of the Criminal Justice (Scotland) Act 1995” there shall be substituted the words “or by section 49(1) of the Proceeds of Crime (Scotland) Act 1995”.
- (3) In section 7(1) (meaning of apparent insolvency), in the definition of “confiscation order”, for the words “or by section 114(1) of the Criminal Justice (Scotland) Act 1995” there shall be substituted the words “or by section 49(1) of the Proceeds of Crime (Scotland) Act 1995”.
- (4) In subsection (2) of section 55 (effect of discharge of bankrupt on certain liabilities), after paragraph (a) there shall be inserted the following paragraphs—
- “(aa) any liability to pay a fine imposed in a district court;
- (ab) any liability under a compensation order within the meaning of section 249 of the Criminal Procedure (Scotland) Act 1995;”.
- (5) In subsection (2) of section 68, for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 136 of the Criminal Procedure (Scotland) Act 1995”.

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

- 59 In subsection (4) of section 26 of the Animals (Scientific Procedures) Act 1986, for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 136 of the Criminal Procedure (Scotland) Act 1995”.

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

- 60 (1) The Consumer Safety (Amendment) Act 1986 shall be amended as follows.
- (2) In subsection (3) of section 7, for “1975” there shall be substituted “1995”.
- (3) In section 10 for the words “section 452(4)(a) to (e) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 182(5)(a) to (e) of the Criminal Procedure (Scotland) Act 1995”.

*Insolvency Act 1986 (c. 45)*

- 61 In subsection (3) of section 431 of the Insolvency Act 1986, for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “section 136 of the Criminal Procedure (Scotland) Act 1995”.

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

- 62 In subsection (1) of section 8 of the Company Directors Disqualification Act 1986, for the words “section 52 of the Criminal Justice (Scotland) Act 1987” there shall be substituted the words “section 28 of the Criminal Law (Consolidation) (Scotland) Act 1995”.

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*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

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

- 63 (1) The Legal Aid (Scotland) Act 1986 shall be amended as follows.
- (2) In subsection (4) of section 21, for the words “section 462 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 307 of the Criminal Procedure (Scotland) Act 1995 ”.
- (3) In subsection (1) of section 22 (circumstances in which criminal legal aid automatically available), after paragraph (d) there shall be inserted the following paragraphs—
- “(da) in relation to any proceedings under solemn or summary procedure whereby the court determines (whether or not on a plea by the accused person) whether he is insane so that his trial cannot proceed or continue;
  - (db) in relation to an examination of facts held under section 55 of the Criminal Procedure (Scotland) Act 1995 and the disposal of the case following such examination of facts;
  - (dc) in relation to any appeal under section 62 or 63 (appeal by, respectively, accused or prosecutor in case involving insanity) of that Act of 1995;”
- (4) In subsection (2) of section 23, for the words from “section 41(2)(b)” to the end there shall be substituted the words “ section 204(4)(b) of the Criminal Procedure (Scotland) Act 1995 ”.
- (5) In subsection (1) of section 25 (legal aid in criminal appeals)—
- (a) after the word “sentence” there shall be inserted the words “ , other disposal ”; and
  - (b) at the end there shall be inserted the words “ other than an appeal in relation to which section 22(1)(dc) of this Act applies ”.
- (6) In subsection (2) of that section—
- (a) in paragraph (a) after the word “below,” there shall be inserted the words “ the Board is satisfied ”; and
  - (b) for paragraph (b) and the preceding “and” there shall be substituted the following paragraphs—
    - “(b) in the case of an appeal under section 106(1) or 175(2) of the Criminal Procedure (Scotland) Act 1995, leave to appeal is granted; and
    - (c) in the case of an appeal under any other provision of that Act, where the applicant is the appellant, the Board is satisfied that in all the circumstances of the case it is in the interests of justice that the applicant should receive criminal legal aid.”
- (7) After the said subsection (2) there shall be inserted the following subsection—
- “(2A) Where the Board has refused an application for criminal legal aid on the ground that it is not satisfied as mentioned in subsection (2)(c) above the High Court may, at any time prior to the disposal of an appeal, whether or not on application made to it, notwithstanding such refusal determine that it is in the interests of justice that the applicant should receive criminal legal

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

aid in connection with the appeal, and the Board shall forthwith make such legal aid available to him.”

(8) For subsection (5) there shall be substituted the following subsections—

“(5) Subsections (2)(a), (3) and (4) above shall apply to an application for criminal legal aid in connection with consideration under section 107, 180 or 187 of the Criminal Procedure (Scotland) Act 1995 whether to grant leave to appeal as if—

- (a) in subsection (2)(a), for the words “of the appeal” there were substituted the words “in connection with consideration whether to grant leave to appeal”; and
- (b) in subsection (4), after the word “is” there were inserted the words “subject to leave being granted”.

(6) Subsections (2)(a) and (c) and (2A) to (4) above shall apply to an application for criminal legal aid in connection with a petition to the *nobile officium* of the High Court of Justiciary (whether arising in the course of any proceedings or otherwise) as they apply for the purposes of subsection (1) above.

(7) Subsections (2)(a), (3) and (4) above shall apply to an application for criminal legal aid in connection with a reference by the Secretary of State under section 124 of the Criminal Procedure (Scotland) Act 1995 as they apply for the purposes of subsection (1) above.”

(9) In subsection (3) of section 30 (application of section 25 to legal aid in contempt proceedings),—

- (a) before the words “Section 25” there shall be inserted the words “ Subsections (2)(a) and (c), (2A) to (4) and (6) of ”;
- (b) for the words “it applies” there shall be substituted the words “ they apply ”;
- (c) after the word “sentence” there shall be substituted the words “ , other disposal ”;
- (d) after the word “application” there shall be inserted the following paragraph—
  - “(za) in subsection (2a) of that section, the reference to the High Court shall include a reference to the Court of Session;”;
- (e) in paragraph (b) for the word “(5)” there shall be substituted the word “ (6) ”.

(10) In subsection (2) of section 35, for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.

*Social Security Act 1986 (c. 50)*

64 In subsection (5) of section 56 of the Social Security Act 1986—

- (a) for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”; and
- (b) for the words “section 331 of the said Act of 1975” there shall be substituted the words “ section 136 of the said Act of 1995 ”.



*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

*Building Societies Act 1986 (c. 53)*

- 65 In subsection (5) of section 111 of the Building Societies Act 1986, for the words “section 331(3) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136(3) of the Criminal Procedure (Scotland) Act 1995 ”.

*Financial Services Act 1986 (c. 60)*

- 66 In subsection (4) of section 203 of the Financial Services Act 1986, for the words “section 74 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 70 of the Criminal Procedure (Scotland) Act 1995 ”.

*Banking Act 1987 (c. 22)*

- 67 (1) The Banking Act 1987 shall be amended as follows.
- (2) In subsection (3) of section 97, for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”
- (3) In subsection (4) of section 98, for the words “section 74 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 70 of the Criminal Procedure (Scotland) Act 1995 ”.

*Consumer Protection Act 1987 (c. 43)*

- 68 In subsection (8) of section 17 of the Consumer Protection Act 1987, for the words from “and section 452(4)(a) to (e)” to the end there shall be substituted the words “ and section 182(5)(a) to (e) of the Criminal Procedure (Scotland) Act 1995 shall apply to an appeal under this subsection as it applies to a stated case under Part X of that Act ”.

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

- 69 F11 .....

**Textual Amendments**

**F11** Sch. 4 para. 69 repealed (24.3.2003) by 2002 c. 29, ss. 457, 458(1)(3), Sch. 12; S.I. 2003/333, art. 2(1) (subject to transitional provisions and savings in arts. 3-14 and as amended by S.I. 2003/531)

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

- 70 (1) The Copyright, Designs and Patents Act 1988 shall be amended as follows.
- (2) In section 108(6) (order for delivery up in criminal proceedings) for the words “Chapter II of Part II of the Criminal Justice (Scotland) Act 1995” there shall be substituted the words “ Part II of the Proceeds of Crime (Scotland) Act 1995 ”.
- (3) In section 199(6) (order for delivery up in criminal proceedings) for the words “Chapter II of Part II of the Criminal Justice (Scotland) Act 1995” there shall be substituted the words “ Part II of the Proceeds of Crime (Scotland) Act 1995 ”.

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

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

- 71 (1) The Road Traffic Offenders Act 1988 shall be amended as follows.
- (2) In subsection (5) of section 6 (time limit for commencement of summary proceedings), for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.
- (3) In subsection (6) of section 24 (alternative verdicts) for the words “sections 61, 63, 64, 312 and 457A of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ sections 295, 138(4), 256 and 293 of and Schedule 3 to the Criminal Procedure (Scotland) Act 1995 ”.
- (4) In subsection (2) of section 31 (taking account of endorsement) for the words “section 357(1) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 166(1) to (6) of the Criminal Procedure (Scotland) Act 1995 ”.
- (5) In subsection (6) of section 32 (extracts of licensing records) for the words “section 357(1) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 166(1) to (6) of the Criminal Procedure (Scotland) Act 1995 ”.
- (6) After section 33 of the Road Traffic Offenders Act 1988 (fine and imprisonment), there shall be inserted the following section—

**“33A Forfeiture of vehicles: Scotland.**

- (1) Where a person commits an offence to which this subsection applies by—
- (a) driving, attempting to drive, or being in charge of a vehicle; or
  - (b) failing to comply with a requirement made under section 7 of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive or being in charge of a vehicle, or
  - (c) failing, as the driver of a vehicle, to comply with subsections (2) and (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident),
- the court may, on an application under this subsection, make an order forfeiting the vehicle concerned; and any vehicle forfeited under this subsection shall be disposed of as the court may direct.
- (2) Subsection (1) above applies—
- (a) to an offence under the Road Traffic Act 1988 which is punishable with imprisonment; and
  - (b) to an offence of culpable homicide.
- (3) An application under subsection (1) above shall be at the instance of the prosecutor made when he moves for sentence (or, if the person has been remitted for sentence under section 195 of the Criminal Procedure (Scotland) Act 1995) made before sentence is pronounced.
- (4) Where—

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*Status: Point in time view as at 05/10/2005.*

**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

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- (a) the court is satisfied, on an application under this subsection by the prosecutor—
    - (i) that proceedings have been, or are likely to be, instituted against a person in Scotland for an offence to which subsection (1) above applies allegedly committed in the manner specified in paragraph (a), (b) or (c) of that subsection; and
    - (ii) that there is reasonable cause to believe that a vehicle specified in the application is to be found in a place or in premises so specified; and
  - (b) it appears to the court that there are reasonable grounds for thinking that in the event of the person being convicted of the offence an order under subsection (1) above might be made in relation to the vehicle, the court may grant a warrant authorising a person named therein to enter and search the place or premises and seize the vehicle.
- (5) Where the court has made an order under subsection (1) above for the forfeiture of a vehicle, the court or any justice may, if satisfied on evidence on oath—
- (a) that there is reasonable cause to believe that the vehicle is to be found in any place or premises; and
  - (b) that admission to the place or premises has been refused or that a refusal of such admission is apprehended,
- issue a warrant of search which may be executed according to law.
- (6) In relation to summary proceedings, the reference in subsection (5) above to a justice includes a reference to the sheriff and to a magistrate.
- (7) Part II of the Proceeds of Crime (Scotland) Act 1995 shall not apply in respect of a vehicle in relation to which this section applies.
- (8) This section extends to Scotland only.”
- (7) In subsection (3) of section 46 (combination of disqualification and endorsement with probation etc)—
- (a) in paragraph (b) for the words from “section 182” to the end there shall be substituted the words “ section 228 (probation) or 246(2) or (3) (absolute discharge) of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) for the words from “section 191” to the end of the subsection there shall be substituted the words “ section 247 of that Act shall not apply ”.
- (8) In section 60—
- (a) in subsection (4) for the words “section 315 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 140 of the Criminal Procedure (Scotland) Act 1995 ”;
  - (b) in subsection (5) for the words “Part II” there shall be substituted the words “ Part IX ”; and
  - (c) in subsection (6)—
    - (i) in paragraph (b) for the words “section 312” where they first occur there shall be substituted the words “ section 140(4) ”;

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

- (ii) in that paragraph for the words “paragraphs (a) to (z) of section 312 of” there shall be substituted the words “ section 255 of and Schedule 3 to ”; and
  - (iii) paragraph (c) shall cease to have effect.
- (9) In subsection (7) of section 64 (commencement of proceedings against owner of vehicle) for the words “section 331(1) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136(1) of the Criminal Procedure (Scotland) Act 1995 ”.
- (10) In subsection (1) of section 89 (interpretation), in the definition of “court of summary jurisdiction” for the words “section 462(1) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 307(1) of the Criminal Procedure (Scotland) Act 1995 ”.

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

F1272 .....

**Textual Amendments**

**F12** Sch. 4 para. 72 repealed (19.2.2001) by 2000 c. 11, s. 125, Sch. 16 Pt. I; S.I. 2001/421, art. 2

*Extradition Act 1989 (c. 33)*

- 73 In subsection (13) of section 10 of the Extradition Act 1989 (bail in connection with appeal)—
- (a) for the words “section 446(2) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 177(2) and (3) of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) for the words “section 444” there shall be substituted the words “ section 176 ”.

*Companies Act 1989 (c. 40)*

- 74 (1) The Companies Act 1989 shall be amended as follows.
- (2) In subsection (4) of section 44 (jurisdiction and procedure for offences) for the words “section 74 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 70 of the Criminal Procedure (Scotland) Act 1995 ”.
  - (3) In subsection (4) of section 91 (jurisdiction and procedure for offences) for the words “section 74 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 70 of the Criminal Procedure (Scotland) Act 1995 ”.

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

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

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*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

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- (2) In subsection (1) of section 11 (removal of prisoners for judicial and other purposes), for the words “section 279 of the 1975 Act” there shall be substituted the words “section 132 of the 1995 Act”.
- (3) In subsection (3) of section 21 (transfer to prison of young offenders) for the words “the 1975 Act” where they first occur there shall be substituted the words “the 1995 Act”.
- (4) In section 39 (prison rules)—
  - (a) in subsection (5), for the words “section 279 of the 1975 Act” there shall be substituted the words “section 132 of the 1995 Act”; and
  - (b) in subsection (7), for the words “section 206 of the 1975 Act” there shall be substituted the words “section 208 of the 1995 Act”.
- (5) For subsection (3) of section 40 (persons unlawfully at large) there shall be substituted the following subsection—
  - “(3) In this section—
    - (a) any reference to a person sentenced to imprisonment shall be construed as including a reference to any person sentenced or ordered to be detained under section 44, 205 or 208 of the 1995 Act;
    - (b) any reference to a prison shall be construed as including a reference to a place where the person is liable to be detained under the sentence or order; and
    - (c) any reference to a sentence shall be construed as including a reference to an order under the said section 44.”
- (6) After section 40 there shall be added the following section—

**“40A Warrants for arrest of escaped prisoners.**

- (1) On an application being made to a justice alleging that any person is an offender unlawfully at large from a prison or other institution to which this Act or, as the case may be, the Prison Act 1952 or the Prison Act (Northern Ireland) 1953 applies in which he is required to be detained after being convicted of an offence, the justice may issue a warrant to arrest him and bring him before any sheriff.
- (2) Where a person is brought before a sheriff in pursuance of a warrant for his arrest under this section, the sheriff shall, if satisfied that he is the person named in the warrant and if satisfied that he is an offender unlawfully at large as mentioned in subsection (1) above, order him to be returned to the prison or other institution where he is required or liable to be detained.”
- (7) In subsection (1) of section 43 (interpretation) for the definition of “the 1975 Act” there shall be substituted the following—

““the 1995 Act” means the Criminal Procedure (Scotland) Act 1995;”.

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

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

*Status: Point in time view as at 05/10/2005.*

**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

(2) <sup>F13</sup> .....

(3) In paragraph 2 of Schedule 1, for the words “section 320 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 156 of the Criminal Procedure (Scotland) Act 1995 ”.

**Textual Amendments**

**F13** Sch. 4 para. 76(2) repealed (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); S.I. 2005/1521, [art. 3\(ee\)](#)

*Computer Misuse Act 1990 (c. 18)*

77 In subsection (7) of section 13 of the Computer Misuse Act 1990, for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.

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

78 In subsection (4) of section 20 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (destination of fine imposed for professional misconduct) for the words “section 203 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 211(5) of the Criminal Procedure (Scotland) Act 1995 ”.

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

<sup>F14</sup>79 .....

**Textual Amendments**

**F14** Sch. 4 para. 79 repealed (25.8.1996) by [1996 c. 22](#), ss. 62(1), 63(7), [Sch. 7 Pt. I](#)

*Criminal Justice Act 1991 (c. 53)*

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

- (2) In subsection (3) of section 24 (deduction of fines from income support)—
- (a) in paragraph (a) for the words “section 196(2) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 211(4) of the Criminal Procedure (Scotland) Act 1995 ”;
  - (b) in paragraph (b) for the words “section 66 of the Criminal Justice (Scotland) Act 1980” there shall be substituted the words “ section 252 of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (c) in paragraph (c) for the words “section 403(1)(a) or (b) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 222(1)(a) or (b) of the Criminal Procedure (Scotland) Act 1995 ”.

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

F15(3) .....

**Textual Amendments**

**F15** Sch. 4 para. 80(3) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

*Dangerous Dogs Act 1991 (c. 65)*

- 81 In subsection (9) of section 4 of the Dangerous Dogs Act 1991 (destruction and disqualification orders)—
- (a) for the words “section 411 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 221 of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) for the words “Part II” there shall be substituted the words “ Part XI ”.

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

- 82 In subsection (7) of section 116 of the Social Security Administration Act 1992—
- (a) for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) for the words “section 331 of the said Act of 1975” there shall be substituted the words “ section 136 of the said Act of 1995 ”.

*Timeshare Act 1992 (c. 35)*

- 83 In subsection (3) of section 11 of the Timeshare Act 1992 (prosecution time limit), for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.

*Friendly Societies Act 1992 (c. 40)*

- 84 In subsection (5) of section 107 of the Friendly Societies Act 1992 (prosecution time limit), for the words “section 331(1) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136(1) of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 85 In subsection (6) of section 45A of the Trade Union and Labour Relations (Consolidation) Act 1992 (prosecution time limit), for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 86 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall be amended as follows.

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

- (2) Subject to any specific amendment under this paragraph, for the words “1975 Act” where they occur there shall be substituted the words “1995 Act”.
- (3) In subsection (1) of section 5 (fine defaulters) for paragraph (a) there shall be substituted the following paragraph—
- “(a) under section 219 of the 1995 Act (imprisonment for non-payment of fine) or, by virtue of that section, under section 207 of that Act (detention of young offenders);”.
- (4) Section 6 (application of Part to young offenders etc) shall be amended as follows—
- (a) in paragraph (a) for the words “section 207(2) or 415(2)” there shall be substituted the words “section 207(2)”;
- (b) for the words “section 205” there shall be substituted the words “section 205(1) to (3)”;
- (c) for the words “section 206” where they occur there shall be substituted the words “section 208”; and
- (d) for the words “section 207(2)” there shall be substituted the words “section 207(2)”.
- (5) In section 7 (children detained in solemn proceedings) for the words “section 206” where they occur there shall be substituted the words “section 208”.
- (6) In section 11 (duration of licence)—
- (a) in subsection (3), for the words “section 212A” there shall be substituted the words “section 209”; and
- (b) in paragraph (b) of that subsection, for the words from “the” in the second place where it occurs to the end there shall be substituted—
- “there has elapsed—
- (i) a period (reckoned from the date on which he was ordered to be returned to prison under or by virtue of subsection (2) (a) of that section) equal in length to the period between the date on which the new offence was committed and the date on which he would (but for his release) have served the original sentence in full; or
- (ii) subject to subsection (4) below, a total period equal in length to the period for which he was so ordered to be returned to prison together with, so far as not concurrent with that period, any term of imprisonment to which he was sentenced in respect of the new offence,
- whichever results in the later date.
- (4) In subsection (3)(b) above, “the original sentence” and “the new offence” have the same meanings as in section 16 of this Act.”
- (7) Section 14 (supervised release of short term prisoners) shall be amended as follows—
- (a) in subsection (2)—
- (i) for the words “section 212A(1)” there shall be substituted the words “section 209(1)”;
- (ii) for the words “section 212A(2) to (6)” there shall be substituted the words “section 209(3) to (7)”;



*Status: Point in time view as at 05/10/2005.*

**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

- (b) in subsection (3) for the words “section 212A(2)” there shall be substituted the words “ section 209(3) ”; and
  - (c) in subsection (5) for the words “section 212A(5)(b)” there shall be substituted the words “ section 209(6)(b) ”.
- (8) In subsection (4) of section 15 (variation of supervised release order) for the words “section 212A(2)(b)” there shall be substituted the words “ section 209(3)(b) ”.
- (9) In section 16 (commission of offence by released prisoner)—
- (a) in subsection (6), for the words “section 254(3) or 453C(1)” there shall be substituted the words “ section 118(4) or 189(1) and (2) ”; and
  - (b) for subsection (7) there shall be substituted the following subsection—
    - “(7) Where an order under subsection (2) or (4) above is made in respect of a person released on licence—
    - (a) the making of the order shall have the effect of revoking the licence; and
    - (b) if the sentence comprising—
      - (i) the period for which the person is ordered to be returned to prison; and
      - (ii) so far as not concurrent with that period, any term of imprisonment to which he is sentenced in respect of the new offence,is six months or more but less than four years, section 1(1) of this Act shall apply in respect of that sentence as if for the word “unconditionally” there were substituted the words “on licence”.
- (10) In subsection (1) of section 27 (interpretation of Part I), for the words “section 212A” where they occur there shall be substituted the words “ section 209 ”.
- (11) In section 46 (interpretation) the definition of “the 1975 Act” shall cease to have effect and at the end there shall be inserted the following definition—
- ““the 1995 Act” means the Criminal Procedure (Scotland) Act 1995”.

*Agriculture Act 1993 (c. 37)*

- 87 In subsection (5) of section 52 of the Agriculture Act 1993 (prosecution time limit) for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.

*Railways Act 1993 (c. 43)*

- 88 In subsection (5) of section 148 of the Railways Act 1993 (prosecution time limit) for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

*Finance Act 1994 (c. 9)*

- 89 (1) The Finance Act 1994 shall be amended as follows.
- (2) In subsection (2) of section 22 (records and rules of evidence), in paragraph (d) for the words “Schedule 3 to the Prisoners and Criminal Proceedings (Scotland) Act 1993” there shall be substituted the words “ Schedule 8 to the Criminal Procedure (Scotland) Act 1995 ”.
- (3) In subsection (3) of section 25 (order for production of documents), for the words “section 462 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 308 of the Criminal Procedure (Scotland) Act 1995 ”.
- (4) In Schedule 7 (insurance premium tax)—
- (a) in paragraph 1(6)(d), for the words “Schedule 3 to the Prisoners and Criminal Proceedings (Scotland) Act 1993” there shall be substituted the words “ Schedule 8 to the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) in paragraph 4(2), for the words “section 462 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 308 of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 90 (1) The Vehicle Excise and Registration Act 1994 shall be amended as follows.
- (2) In subsection (1) of section 32 (effect of certain orders) for paragraph (b) there shall be substituted the following paragraph—
- “(b) or an order under section 228 of the Criminal Procedure (Scotland) Act 1995 placing him on probation or under 246(3) of that Act discharging him absolutely, or”.
- (3) In subsection (1) of section 41 (effect of certain orders) for paragraph (b) there shall be substituted the following paragraph—
- “(b) or an order under section 228 of the Criminal Procedure (Scotland) Act 1995 placing him on probation or under 246(2) or (3) of that Act discharging him absolutely, or”.
- (4) In subsection (4) of section 48 (time limit for proceedings) for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.

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

- 91 In Schedule 11 of the Value Added Tax Act 1994—
- (a) in paragraph 10(3) (power of entry and search) for the words “section 462 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 308 of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) in paragraph 11(1) (access to certain information) for the words “section 462 of the Criminal Procedure (Scotland) Act 1975” there shall be

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*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

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substituted the words “ section 308 of the Criminal Procedure (Scotland) Act 1995 ”.

*Trade Marks Act 1994 (c. 26)*

- 92 (1) The Trade Marks Act 1994 shall be amended as follows.
- (2) In subsection (1) of section 96 (prosecution time limit) for the words “section 331 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 136 of the Criminal Procedure (Scotland) Act 1995 ”.
- (3) In section 98 (forfeiture)—
- (a) in subsection (2) for the words “section 310 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 134 of the Criminal Procedure (Scotland) Act 1995 ”;
  - (b) in subsection (6) for the words “Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Criminal Procedure (Scotland) Act 1995 ”;
  - (c) in subsection (9) for the words “section 452(4)(a) to (e) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 182(5)(a) to (e) of the Criminal Procedure (Scotland) Act 1995 ”; and
  - (d) in subsection (11) for the words “Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Criminal Procedure (Scotland) Act 1995 ”.

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

- 93 (1) The Criminal Justice and Public Order Act 1994 shall be amended as follows.
- (2) In subsection (5) of section 25 (restriction on bail) in the definition of “the relevant enactments”, for paragraph (b) there shall be substituted the following paragraph—
- “(b) as respects Scotland, sections 205(1) to (3) and 208 of the Criminal Procedure (Scotland) Act 1995;”.
- (3) In section 102 (provision of prisoner escorts)—
- (a) in paragraph (b) of subsection (3), for the words “Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Criminal Procedure (Scotland) Act 1995 ”; and
  - (b) in subsection (6)—
    - (i) in the definition of “hospital order”, for the words “section 174, 174A, 175, 375A or 376 of the Act of 1975” there shall be substituted the words “ section 53, 54 or 58 of the Act of 1995 ”; and
    - (ii) in the definition of “warrant”, for the words “Act of 1975” there shall be substituted the words “ Act of 1995 ”.
- (4) In subsection (4) of section 104 (powers and duties of prison custody officers), for the words “section 395(2) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 212 of the Criminal Procedure (Scotland) Act 1995 ”.
- (5) In subsection (1) of section 117 (interpretation of Chapter), in the definition of “prisoner” for the words “section 215 or 426 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 295 of the Criminal Procedure (Scotland) Act 1995 ”.

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

- (6) In section 138 (which supplements section 137 relating to cross-border powers of arrest)—
- (a) in subsection (2), for the words from “subsections (2) to (7)” to “1993” there shall be substituted the words “ subsections (2) to (8) of section 14 (detention and questioning at police station), subsections (1), (2) and (4) to (6) of section 15 (rights of person arrested or detained) and section 18 (prints, samples etc. in criminal investigations) of the Criminal Procedure (Scotland) Act 1995 ”;
  - (b) in subsection (6)—
    - (i) for the words “sections 2 and 3 of the Criminal Justice (Scotland) Act 1980” there shall be substituted the words “ sections 14 and 15 of the said Act of 1995 ”;
    - (ii) in paragraph (a), for the words “in section 2” there shall be substituted the words “ in section 14 ” and for the words “in subsections (4) and (7)” there shall be substituted the words “ in subsections (6) and (9) ”; and
    - (iii) in paragraph (b), for the words “in section 3(1)” there shall be substituted the words “ in subsections (1) and (2) of section 15 ”.

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

94

F16

**Textual Amendments**

**F16** Sch. 4 para. 94 repealed (24.3.2003) by 2002 c. 29, ss. 457, 458(1)(3), Sch. 12; S.I. 2003/333, art. 2 (subject to transitional provisions and savings in arts. 3-14 and as amended by S.I. 2003/531)

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

- 95 (1) The Local Government etc. (Scotland) Act 1994 shall be amended as follows.
- (2) In subsection (1) of section 127 (the Principal Reporter), for the words “Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Criminal Procedure (Scotland) Act 1995 ”.
  - (3) In each of subsections (3) and (8) of section 128 (Scottish Children’s Reporter Administration), for the words “Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Criminal Procedure (Scotland) Act 1995 ”.
  - (4) In subsection (1) of section 130 (annual report of Principal Reporter), for the words “Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Criminal Procedure (Scotland) Act 1995 ”.

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

- 96 In subsection (2) of section 2 of the Deregulation and Contracting Out Act 1994, for paragraph (b) there shall be substituted the following paragraph—
- “(b) section 292(6) and (7) of the Criminal Procedure (Scotland) Act 1995,”.

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

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

- 97 (1) The Children (Scotland) Act 1995 shall be amended as follows.
- (2) In subsection (2) of section 45 (attendance of child etc. at hearing), in paragraph (a) for the words “Schedule 1 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Schedule 1 of the Criminal Procedure (Scotland) Act 1995 ”.
- (3) In section 50 (treatment of child’s case on remission by court)—
- (a) in subsection (1), for the words “section 173, 372 or 373 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted “ section 49 of the Criminal Procedure (Scotland) Act 1995 ”; and
- (b) in subsection (2), for the words “the said section 373” there shall be substituted “ subsection (7) of the said section 49 ”.
- (4) In subsection (2) of section 52 (children requiring compulsory supervision)—
- (a) in paragraph (d) for the words “Schedule 1 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Schedule 1 of the Criminal Procedure (Scotland) Act 1995 ”; and
- (b) in paragraph (g), for the words “sections 2A to 2C of the Sexual Offences (Scotland) Act 1976” there shall be substituted “ sections 1 to 3 of the Criminal Law (Consolidation)(Scotland) Act 1995 ”.
- (5) In subsection (7) of section 53 (information for Principal Reporter) for the words “section 462 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ section 307 of the Criminal Procedure (Scotland) Act 1995 ”.
- (6) In section 63(1) (duty of Principal Reporter where informed by constable of detention of a child) for the words “section 296(3) of the Criminal Procedure (Scotland) Act 1975” there shall be substituted “ section 43(5) of the Criminal Procedure (Scotland) Act 1995 ”.
- (7) In section 78 (powers of arrest)—
- (a) in subsection (8), for the words “Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Criminal Procedure (Scotland) Act 1995 ”;
- (b) in subsection (11), for the words “section 10 of the Bail etc, (Scotland) Act 1980” there shall be substituted the words “ section 8 of the said Act of 1995 ”; and
- (c) in subsection (12), for the words “Subsections (1) and (3) of section 3 of the Criminal Justice (Scotland) Act 1980” there shall be substituted the words “ Subsections (1), (2) and (4) of section 15 of the said Act of 1995 ”.

*Pensions Act 1995 (c. 26)*

- 98 In subsection (5) of section 100 of the Pensions Act 1995 (warrants) for the words “Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Criminal Procedure (Scotland) Act 1995 ”.

*Note*

- 99 The amendments made by this Schedule to—

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*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4. (See end of Document for details)*

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- (a) the <sup>M1</sup>Sea Fisheries Act 1968;
  - (b) the <sup>M2</sup>Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976; and
  - (c) section 15(2) of the <sup>M3</sup>Contempt of Court Act 1981,
- are in substitution for amendments made to those enactments by section 56 of and Schedule 7 to the <sup>M4</sup>Criminal Justice Act 1988 which are repealed by this Act.

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**Marginal Citations**

**M1** 1968 c.77.

**M2** 1976 c. 14.

**M3** 1981 c. 49.

**M4** 1988 c.33.

**Status:**

Point in time view as at 05/10/2005.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, SCHEDULE 4.