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Crime and Punishment (Scotland) Act 1997

CHAPTER 48

CRIME AND PUNISHMENT (SCOTLAND) ACT 1997

PART I

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- 1 Imprisonment for life on further conviction for certain offences.
- 2 Minimum sentence for third conviction of certain offences relating to drug trafficking.
- 3 Meaning of "conviction".
- 4 Imposition of supervised release orders on conviction of qualifying offence.

Restriction of liberty orders

5 Restriction of liberty orders.

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- 6 Disposal in cases of mentally disordered offenders.
- 7 Effect of hospital direction.
- 8 Remand of persons suffering from mental disorder to private hospital.
- 9 Power to specify hospital unit.
- 10 Medical evidence in relation to mentally disordered offenders.
- 11 Increase in maximum period of interim hospital orders.
- 12 Sentence calculation where remand spent in hospital.

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- 13 Increase in sentences available to sheriff and district courts.
- 14 Increase in maximum penalty for certain sexual offences.

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15 Driving disqualifications.

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16 Designated life prisoners.

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CRIMINAL PROCEDURE

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- 17 Right of appeal.
- 18 Automatic sentences: jurisdiction and appeals.
- 19 Appeal against automatic sentence where earlier conviction quashed.
- 20 Transfer of rights of appeal of deceased person.
- 21 Increased rights of appeal of prosecutor.
- 22 Appeal by prosecutor against hospital orders etc.
- 23 Appeals against orders under section 49 of the 1995 Act.
- 24 Suspension of certain sentences pending determination of appeal.

The Scottish Criminal Cases Review Commission

25 Scottish Criminal Cases Review Commission.

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- 26 Evidence concerning certain orders.
- 27 Proof of age.
- 28 Evidence from certain official documents.
- 29 Evidence of vulnerable persons: special provisions.
- 30 Routine evidence.
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- 32 Supervision and care of persons diverted from prosecution or subject to supervision requirement.

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42 Testing of prisoners for alcohol.

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- 43 Medical services in prisons.
- 44 Unlawful disclosure of information.

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- 45 Police grant.
- 46 Common police services.

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- 47 Record of evidence taken from external parts of body.
- 48 Samples etc. from persons convicted of sexual and violent offences.

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49 Criminal legal assistance.

Employment of solicitors

50 Employment of solicitors in relation to criminal legal assistance.

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- 51 Fixed payments.
- 52 Contracts for the provision of criminal legal assistance.

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- 53 Power of investigation of Scottish Legal Aid Board.
- 54 Regulations in relation to criminal legal assistance.

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- 55 Liberation of child by police.
- 56 Powers of the court on remand or committal of children and young persons.
- 57 Precognitions.
- 58 Information concerning jurors.
- 59 Certification of previous convictions in criminal proceedings.
- 60 Grants for forensic medical services.
- 61 Confiscation of alcohol from persons under 18.

General

- 62 Minor and consequential amendments, and repeals.
- 63 Financial provisions.
- 64 Interpretation.
- 65 Short title, commencement and extent.

SCHEDULES SCHEDULE 1 — Minor and Consequential Amendments	
	The Public Records Act 1958 (c.51)
1	In the First Schedule to the Public Records Act 1958
	The Police (Scotland) Act 1967 (c.77)
2	(1) The Police (Scotland) Act 1967 shall be amended in
	The Firearms Act 1968 (c.27)
3	In section 51 of the Firearms Act 1968 (penalties for
	The Superannuation Act 1972 (c.11)
4	In Schedule 1 to the Superannuation Act 1972 (kinds of
	The House of Commons Disqualification Act 1975 (c.24)
5	In the House of Commons Disqualification Act 1975, in Part
	The Sexual Offences (Scotland) Act 1976 (c.67)
6	(1) The Sexual Offences (Scotland) Act 1976 shall cease to
	The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55)
7	In Part I of Schedule 1 to the Law Reform
	The Criminal Justice (Scotland) Act 1980 (c.62)
8	In section 3D(1)(b) of the Criminal Justice (Scotland) Act 1980
	The Mental Health (Scotland) Act 1984 (c.36.)
9	(1) The Mental Health (Scotland) Act 1984 shall be amended
	The Repatriation of Prisoners Act 1984 (c.47)
10	(1) The Repatriation of Prisoners Act 1984 shall be amended
	The Foster Children (Scotland) Act 1984 (c.56)
11	In section 13 of the Foster Children (Scotland) Act, for
	The Legal Aid (Scotland) Act 1986 (c.47)
12	(1) The Legal Aid (Scotland) Act 1986 shall be amended
	The Prisons (Scotland) Act 1989 (c.45)
13	(1) The Prisons (Scotland) Act 1989 shall be amended in
	The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)
14	

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

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

15 In section 110 of the Criminal Justice and Public Order...

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

16 Section 66 of the Criminal Justice (Scotland) Act 1995 shall...

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

17 In Schedule 4 to the Children (Scotland) Act 1995, paragraph...

The Criminal Law (Consolidation) (Scotland) Act 1995 (c.39)

18 (1) The Criminal Law (Consolidation) (Scotland) Act 1995 shall be...

The Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40)

19 (1) The Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 shall be...

The Proceeds of Crime (Scotland) Act 1995 (c.43)

20 In section 42(1) of the Proceeds of Crime (Scotland) Act...

The Criminal Procedure (Scotland) Act 1995 (c.46.)

21 (1) The 1995 Act shall be amended as follows.

SCHEDULE 2 —

SCHEDULE 3 — Repeals

Status:

Point in time view as at 13/12/2010.

Changes to legislation:

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