

**1978 No. 900 (C. 22) (S. 74)**

**CRIMINAL LAW, SCOTLAND**

**The Criminal Law Act 1977 (Commencement No. 6)  
(Scotland) Order 1978**

*Made*   -   -   -   -   -   *21st June 1978*

In exercise of the powers conferred on me by section 65(7) of the Criminal Law Act 1977(a), I hereby make the following order:—

1. This order may be cited as the Criminal Law Act 1977 (Commencement No. 6) (Scotland) Order 1978.
2. This order shall extend to Scotland only.
3. The provisions of the Criminal Law Act 1977 specified in column 1 of the Schedule to this order (which relate to the matters specified in column 2 thereof) shall come into force on 17th July 1978.

*Bruce Millan,*

One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House  
Edinburgh.  
21st June 1978.

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(a) 1977 c.45.

## SCHEDULE

PROVISIONS OF THE CRIMINAL LAW ACT 1977 COMING INTO FORCE IN SCOTLAND ON  
17TH JULY 1978

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 15(2) to (4)	Offences which are to become triable only summarily.
Section 30(3)	Amendment of Night Poaching Act 1828.
Section 31(10).	Amendment of the Medicines Act 1968.
Section 32(3).	Amendment of European Communities Act 1972.
So much of section 63(2) as relates to any provisions specified in this Schedule, or in Appendix A or in Appendix B hereto.	Provisions applying to Scotland.
In Schedule 9—paragraph 3(3).	Matters ancillary to section 47 (part suspended sentences in England and Wales).
In Schedule 11— paragraph 1; paragraph 2; paragraph 5 in so far as not already in operation; paragraph 7; paragraph 11; paragraph 12.	Amendment of Criminal Procedure (Scotland) Act 1975.
So much of Schedule 12 as is specified in Appendix A hereto.	Minor and consequential amendments.
So much of Schedule 13 as is specified in Appendix B hereto.	Repeals.

## APPENDIX A

PROVISIONS OF SCHEDULE 12 TO THE CRIMINAL LAW ACT 1977 COMING INTO FORCE  
IN SCOTLAND ON 17TH JULY 1978

So much of Schedule 12 as relates to the following enactments:—

Night Poaching Act 1828 (c.69).  
Section 3 of the Criminal Justice Act 1967 (c.80).  
Health and Safety at Work etc. Act 1974 (c.37).  
Rehabilitation of Offenders Act 1974 (c.53).

## APPENDIX B

## REPEALS TAKING EFFECT IN SCOTLAND ON 17TH JULY 1978

<i>Chapter</i>	<i>Short title</i>	<i>Extent of Repeal</i>
9 Geo. 4 c.69.	Night Poaching Act 1828	Sections 4 and 11.
1 & 2 Will. 4 c.37	Truck Act 1831	Section 10.
38 & 39 Vict. c.86.	Conspiracy and Protection of Property Act 1875	In sections 5 and 7, the words "or on indictment as hereinafter mentioned". Section 9. Section 19(1) and (2).
39 & 40 Vict. c.77.	Cruelty to Animals Act 1876.	Section 15. In section 17, the words from "or if" to "Justiciary".
50 & 51 Vict. c.46.	Truck Amendment Act 1887	Section 13(1) and (3).
55 & 56 Vict. c.64.	Witnesses (Public Inquiries) Protection Act 1892.	In section 3, the words from "provided that" onwards. In section 6, paragraph (2).
15 & 16 Geo. 6 & 1 Eliz. 2 c.44.	Customs and Excise Act 1952	In section 283(2)(a), the words "or more".
2 & 3 Eliz. 2 c.40.	Protection of Animals (Amendment) Act 1954	In section 3, the words from "sub- section (1) of section one of the Pro- tection of Animals Act 1911" to "1912" and the words from "respectively enactments" to "animals and".
10 & 11 Eliz. 2 c.52.	Penalties for Drunkenness Act 1962	In section 1(2)(a) the words from "the first paragraph of section twelve" to "1894". In section 1(2)(b) the words "section two of the Licensing Act 1902".

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1967 c.80	Criminal Justice Act 1967	Section 92(8). In section 106(2)(f), the words "the Summary Jurisdiction (Scotland) Act 1954".
1968 c.27	Firearms Act 1968	In section 57(4), the definition of "indictable offence".
1968 c.73	Transport Act 1968	In Schedule 8, paragraph 8.
1971 c.38	Misuse of Drugs Act 1971	Section 26(4).
1972 c.20	Road Traffic Act 1972	In Part IV of Schedule 4, in paragraph 3, the words "5, 6 or 9".
1974 c.50	Road Traffic Act 1974	In Part IV of Schedule 5, paragraph 4(1) to (3) and (4)(a).
1975 c.20	District Courts (Scotland) Act 1975	Section 3(3). In section 27(1), the words "to the Magistrates' Courts Act 1952 and". In Schedule 1, paragraph 26.
1975 c.21	Criminal Procedure (Scotland) Act 1975	In section 403(4), the words from "or that Table" to the end.
1976 c.42	Protection of Birds (Amendment) Act 1976	The whole Act.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order brings into force in Scotland on 17th July 1978 the provisions of the Criminal Law Act 1977 set out in the Schedule to the Order.

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