



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 12

MISCELLANEOUS AND GENERAL

General

84 Transitional provisions etc.

- (1) The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes, or in consequence, of this Act or of any order made under this Act.
- (2) An order under subsection (1) above may amend or repeal any enactment (including any provision of this Act).

85 Minor and consequential amendments

Schedule 4 to this Act, which contains minor amendments and amendments consequential on the provisions of this Act, has effect.

Commencement Information

- II** [S. 85](#) partly in force; [s. 85](#) not in force at Royal Assent, see [s. 89\(2\)](#); [s. 85](#) in force for specified purposes at 27.6.2003 by [S.S.I. 2003/288](#), [art. 2](#), [Sch.](#); [s. 85](#) in force for further specified purposes at 25.11.2003 by [S.S.I. 2003/475](#), [art. 2](#), [Sch.](#)

86 Repeals

The enactments mentioned in schedule 5 to this Act are repealed to the extent mentioned in the second column of that schedule.

Changes to legislation: Criminal Justice (Scotland) Act 2003, Cross Heading: General is up to date with all changes known to be in force on or before 23 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- I2** S. 86 wholly in force at 27.6.2003; s. 86 in force for specified purposes at Royal Assent, see s. 89(2)(d); s. 86 in force so far as not already in force at 27.6.2003 by {S.S.I. 2003/288}, art. 2, Sch.

87 Interpretation

(1) In this Act—

- “the 1989 Act” means the Prisons (Scotland) Act 1989 (c. 45);
- “the 1993 Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9);
- “the 1995 Act” means the Criminal Procedure (Scotland) Act 1995 (c. 46); and
- “prescribed”, except in section 21(4), means prescribed by order made by the Scottish Ministers.

- (2) Any expression used in this Act and in the 1995 Act is, unless the context requires otherwise, to be construed in accordance with section 307 of that Act (interpretation).

88 Orders

- (1) Any power of the Scottish Ministers to make orders or regulations under this Act is exercisable by statutory instrument; and subject to subsection (2) a statutory instrument containing any such order or regulations, other than an order under section 89(2), is subject to annulment in pursuance of a resolution of the Parliament.

(2) A statutory instrument containing an order under section—

- (a) 6(1)(b), 11(1), 14(1) [^{F1}or (2)], 14(12) (including as applied to section 16(5)), 16(4) [^{F2}, 18B] or 42(5); or
- (b) [^{F3}14(13) or] 84 which amends or repeals any part of an Act,

is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

Textual Amendments

- F1** Words in s. 88(2)(a) inserted (18.3.2021) by [The Criminal Justice \(Scotland\) Act 2003 \(Supplemental Provisions\) Order 2021 \(S.S.I. 2021/150\)](#), arts. 1(2), **2(3)**
- F2** Word in s. 88 inserted (30.9.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), ss. **59(3)**, 61(2); [S.S.I. 2017/234](#), art. 2(2)(b)
- F3** Words in s. 88(2)(b) inserted (10.2.2021) by [Victims and Witnesses \(Scotland\) Act 2014 \(asp 1\)](#), ss. **23(14)**, 34; [S.S.I. 2020/405](#), art. 2(a)

89 Short title and commencement

- (1) This Act may be cited as the Criminal Justice (Scotland) Act 2003.

(2) With the exception of—

- (a) this section;
- (b) section 77 and schedule 3;
- (c) section 84;

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- (d) in so far as relating to the Wildlife and Countryside Act 1981 (c. 69), section 86 and schedule 5;
- (e) section 87; and
- (f) section 88,

this Act comes into force on such day as the Scottish Ministers may by order appoint.

(3) Different days may be so appointed for different provisions and for different purposes.

Subordinate Legislation Made

- P1** S. 89 power partly exercised; dates appointed for specified provisions and purposes as follows:
- 27.6.2003 by {[S.S.I. 2003/288](#)}, art. 2, Sch.;
 - 27.10.2003, 3.11.2003, 25.11.2003, 1.12.2003, 1.1.2004 and 12.1.2004 by {[S.S.I. 2003/475](#)}, art. 2, Sch. (with art. 3);
 - 10.6.2004 and 25.6.2004 by {[S.S.I. 2004/240](#)}, art. 2;
 - 1.11.2004 by {[S.S.I. 2004/451](#)}, art. 2;
 - 4.10.2005 by {[S.S.I. 2005/433](#)}, art. 2;
 - 1.4.2006 by {[S.S.I. 2006/168](#)}, art. 2;
 - 2.4.2006 by {[S.S.I. 2006/85](#)}, art. 1(2);
 - 19.6.2006 by {[S.S.I. 2006/332](#)}, art. 2

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2003/439 art. 23Sch.](#) (Effect not applied to [legislation.gov.uk](#). This S.S.I. is revoked (1.10.2003) by S.S.I. 2003/475, art. 4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16D inserted by [2023 asp 4 s. 14\(3\)](#)
- s. 16ZA inserted by [2023 asp 4 s. 14\(2\)](#)
- s. 17E(6) inserted by [2023 asp 4 s. 14\(7\)\(d\)](#)
- s. 17DA inserted by [2023 asp 4 s. 14\(6\)](#)
- s. 17ZA inserted by [2023 asp 4 s. 14\(4\)](#)
- s. 18A(5) inserted by [2023 asp 4 s. 14\(8\)\(b\)](#)