

# CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 10 - Miscellaneous**

#### ***Section 200 – Modification of references to “Act”, “enactment” etc. in certain Acts of Parliament***

791. The Interpretation Act 1978 defines a number of commonly-used terms so that separate definitions do not have to be provided in each piece of legislation by the UK Parliament. As amended by the Scotland Act 1998, it provides definitions of “Act” and “enactment” which exclude Acts of the Scottish Parliament and instruments made under such Acts.
792. There are a large number of references to “Act” and “enactment” in pre-devolution criminal law and procedure statutes. For example section 307 of the Criminal Procedure (Scotland) Act 1995 defines “crime” as “any crime or offence at common law or under any Act of Parliament whenever passed”. At the time the Criminal Procedure (Scotland) Act 1995 was passed, the reference would have included all primary legislation, but now it only includes Westminster Acts and not Acts of the Scottish Parliament.
793. **Section 200** of this Act provides a solution specifically for the Criminal Procedure (Scotland) Act 1995, the Criminal Law (Consolidation) (Scotland) Act 1995 and the licensing provisions of the Civic Government (Scotland) Act 1982, the main pre-devolution statutes that are dealt with in this Act. Each reference to “Act” or “enactment” has been extended to apply to Scottish legislation and checked to ensure that that extension is appropriate.
794. Subsection (1) modifies the definition of “enactment” to include Acts of the Scottish Parliament and Scottish statutory instruments within the licensing provisions contained in the Civic Government (Scotland) Act 1982. Subsection (2) modifies the definition of “enactment” to include Acts of the Scottish Parliament and Scottish statutory instruments in the Criminal Law (Consolidation) (Scotland) Act 1995. Subsection (3) similarly modifies the definition of “crime”, “enactment” and “statute” within section 307(1) of the Criminal Procedure (Scotland) Act 1995 so that references to Acts of the Scottish Parliament are included within these definitions.