

Changes to legislation: Criminal Justice (Scotland) Act 2016, PART 1 is up to date with all changes known to be in force on or before 11 April 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

SCHEDULE 2 MODIFICATIONS IN CONNECTION WITH PART 1

PART 1

PROVISIONS AS TO ARREST

Criminal Procedure (Scotland) Act 1995

1 The 1995 Act is amended as follows.

Commencement Information

I1 Sch. 2 para. 1 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

2 These provisions are repealed—
(a) in section 13, subsection (7),
(b) section 21.

Commencement Information

I2 Sch. 2 para. 2 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

3 (1) In section 234A, subsections (4A) and (4B) are repealed.
(2) In subsection (11) of section 234AA, for the words from the beginning to “those sections apply” there is substituted “ Section 9 (breach of orders) of the Antisocial Behaviour etc. (Scotland) Act 2004 applies in relation to antisocial behaviour orders made under this section as that section applies ”.

Commencement Information

I3 Sch. 2 para. 3 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

Miscellaneous enactments

4 In section 4 of the Trespass (Scotland) Act 1865, for the words from the beginning to “every” in the last place where it occurs there is substituted “ A ”.

Commencement Information

I4 Sch. 2 para. 4 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch. (with art. 4)

5 In subsection (3) of section 1 of the Public Meeting Act 1908, the words from “, and if he refuses” to the end are repealed.

Commencement Information

I5 Sch. 2 para. 5 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

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6 In the Firearms Act 1968, section 50 is repealed.

Commencement Information

I6 Sch. 2 para. 6 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

7 In the Civic Government (Scotland) Act 1982—

- (a) in section 59, subsections (1), (2) and (5) are repealed,
- (b) in subsection (3), for the words “he can be delivered into the custody” there is substituted “ the arrival ”,
- (c) in section 65, subsections (4) and (5) are repealed,
- (d) in subsection (1) of section 80, for the words from “and taken” to the end there is substituted “ by a constable ”.

Commencement Information

I7 Sch. 2 para. 7 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

8 In the Child Abduction Act 1984, section 7 is repealed.

Commencement Information

I8 Sch. 2 para. 8 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

9 In section 11 of the Protection of Badgers Act 1992, paragraph (c) of subsection (1) is repealed.

Commencement Information

I9 Sch. 2 para. 9 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

10 In the Criminal Justice and Public Order Act 1994, section 60B is repealed.

Commencement Information

I10 Sch. 2 para. 10 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

11 In section 8B of the Olympic Symbol etc. (Protection) Act 1995, subsections (2) and (3) are repealed.

Commencement Information

I11 Sch. 2 para. 11 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

12 In the Criminal Law (Consolidation) (Scotland) Act 1995—

- (a) in section 7, subsection (4) is repealed,
- (b) in section 47, subsection (3) is repealed,
- (c) in section 48, subsection (3) is repealed,
- (d) in section 50, subsections (3) and (5) are repealed.

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I12 Sch. 2 para. 12 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

13 In the Deer (Scotland) Act 1996, section 28 is repealed.

Commencement Information

I13 Sch. 2 para. 13 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

14 In section 61 of the Crime and Punishment (Scotland) Act 1997, subsection (5) is repealed.

Commencement Information

I14 Sch. 2 para. 14 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

15 In section 7 of the Protection of Wild Mammals (Scotland) Act 2002, paragraph (a) of subsection (1) is repealed.

Commencement Information

I15 Sch. 2 para. 15 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

16 In the Fireworks Act 2003—
(a) in section 11A, subsection (6) is repealed,
(b) section 11B is repealed.

Commencement Information

I16 Sch. 2 para. 16 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

17 In section 307 of the Criminal Justice Act 2003, subsection (4) is repealed.

Commencement Information

I17 Sch. 2 para. 17 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

18 In the Antisocial Behaviour etc. (Scotland) Act 2004—
(a) section 11 is repealed,
(b) in section 22, subsections (3) and (4) are repealed,
(c) section 38 is repealed.

Commencement Information

I18 Sch. 2 para. 18 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

19 In section 130 of the Serious Organised Crime and Police Act 2005, subsection (3) is repealed.

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I19 [Sch. 2 para. 19](#) in force at 25.1.2018 by [S.S.I. 2017/345](#), [art. 3](#), [sch.](#)

- 20 In the Animal Health and Welfare (Scotland) Act 2006, in schedule 1—
- (a) paragraph 16 is repealed,
 - (b) in paragraph 18(b)(i), the words “except paragraph 16” are repealed.

Commencement Information

I20 [Sch. 2 para. 20](#) in force at 25.1.2018 by [S.S.I. 2017/345](#), [art. 3](#), [sch.](#)

- 21 In the Prostitution (Public Places) (Scotland) Act 2007, section 2 is repealed.

Commencement Information

I21 [Sch. 2 para. 21](#) in force at 25.1.2018 by [S.S.I. 2017/345](#), [art. 3](#), [sch.](#)

- 22 In section 32 of the Glasgow Commonwealth Games Act 2008, subsections (3) and (4) are repealed.

Commencement Information

I22 [Sch. 2 para. 22](#) in force at 25.1.2018 by [S.S.I. 2017/345](#), [art. 3](#), [sch.](#)

- 23 In section 7 of the Tobacco and Primary Medical Services (Scotland) Act 2010, subsection (4) is repealed.

Commencement Information

I23 [Sch. 2 para. 23](#) in force at 25.1.2018 by [S.S.I. 2017/345](#), [art. 3](#), [sch.](#)

- 24 In each of sections 169(2) and 170(2) of the Children's Hearings (Scotland) Act 2011, the words “arrested without warrant and” are repealed.

Commencement Information

I24 [Sch. 2 para. 24](#) in force at 25.1.2018 by [S.S.I. 2017/345](#), [art. 3](#), [sch.](#)

- 25 In section 9 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011, subsections (2) and (3) are repealed.

Commencement Information

I25 [Sch. 2 para. 25](#) in force at 25.1.2018 by [S.S.I. 2017/345](#), [art. 3](#), [sch.](#)

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

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)