



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 3

SOLEMN PROCEDURE

78 Proceedings on petition

(1) In section 35 (judicial examination) of the 1995 Act, after subsection (6) there is inserted—

“(6A) In proceedings before the sheriff in examination or further examination, the accused is not to be given an opportunity to make a declaration in respect of any charge.”.

(2) The following provisions of the 1995 Act are repealed—

- (a) in section 35, subsections (3), (4) and (5),
- (b) sections 36, 37 and 38,
- (c) in section 68, subsection (1),
- (d) in section 79, paragraph (b)(iii) of subsection (2),
- (e) section 278.

Commencement Information

II S. 78 in force at 17.1.2017 by S.S.I. 2016/426, art. 2, sch. (with art. 3)

Changes to legislation:

Criminal Justice (Scotland) Act 2016, Section 78 is up to date with all changes known to be in force on or before 24 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.

[View outstanding changes](#)

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\(a\)](#)