

*Status: This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Criminal Justice (Scotland) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 01 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 4

(introduced by section 85)

### MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 Section 42 of the 1989 Act (exercise of powers to make rules, orders, etc.) is amended for the purposes of the existing provisions, within the meaning of Schedule 6 to the 1993 Act, as follows—
- (a) in subsection (1), for the words “section 22(1A) or (2), 28(1A) or 37(1)” there is substituted “ section 22(2) or 37(1) ”; and
  - (b) in subsection (4), for the words “section 22(1A) or (2), 28(1A) of this Act” there is substituted “ section 22(2) of this Act ”.
- 2 (1) The 1993 Act is amended as follows.
- (2) In section 1A (application of that Act to persons serving more than one sentence), in paragraph (c)(ii), after the word “specified” there is inserted “ under ”.
  - (3) In section 10 (life prisoners transferred to Scotland)—
    - (a) in subsection (2B), after paragraph (b) there are added the words “ and in such a case subsection (3) below applies ”; and
    - (b) in subsection (3)—
      - (i) after the word “applies” there is inserted “ (whether by virtue of subsection (2) above or of subsection (2B) above) ”; and
      - (ii) at the end, there are added the words “ or as the case may be in the certificate or direction referred to in subsection (2D) above ”.
  - (4) In section 45(3) (exercise of powers to make rules and orders), the words “or (6), 20(3)” are repealed.
- 3 (1) The 1995 Act is amended as follows.
- (2) In each of sections 17A(1)(a) (right of person accused of sexual offence to be told about restriction on conduct of defence: arrest), 35(4A)(a) (judicial examination of accused), 66(6A)(a)(i) (citation and service of indictment), 140(2A)(a) (citation of accused in summary prosecution), 144(3A)(a) (procedure at first summary diet) and 146(3A)(a) (procedure in summary prosecution following not guilty plea), after the word “defence” there is added “ and any proof ordered as is mentioned in section 288C(1) of this Act ”.
  - (3) In section 220(1) (reduction in term of imprisonment by part payment of fine), after the word “imprisonment”, where it first appears, there is inserted “ imposed under section 219 of this Act in respect of the fine ”.

#### Commencement Information

- II** Sch. 4 para. 3 wholly in force at 25.11.2003; para. 3 not in force at Royal Assent, see s. 89(2); para. 3(1)(3) in force at 27.6.2003 by S.S.I. 2003/288, art. 2, Sch.; para. 3(2) in force at 25.11.2003 by S.S.I. 2003/475, art. 2, Sch.

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PROSPECTIVE

- 4 In Schedule 1 to the Crime and Punishment (Scotland) Act 1997, in paragraph 21(29), for the words “(5)” and “(6)” there is substituted “ (6) ” and “ (7) ” respectively.
- 5 In the schedule to the Convention Rights (Compliance) (Scotland) Act 2001—
- (a) in paragraph 16, for the words “transferred life prisoner” there is substituted “ existing life prisoner ”; and
  - (b) in paragraph 19, for the word “subsection” there is substituted “ paragraph ”.

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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\(8\)\(b\)](#)