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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 188 (C. 19)**

**CRIMINAL LAW**

**The Criminal Proceedings etc. (Reform) (Scotland)  
Act 2007 (Commencement No. 9) Order 2011**

*Made - - - - 10th March 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 84(1) and (2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and interpretation**

1.—(1) This Order may be cited as the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Commencement No. 9) Order 2011.

(2) In this Order “the 2007 Act” means the Criminal Proceedings etc. (Reform) (Scotland) Act 2007.

**Commencement of section 51 and schedule, paragraph 3(a) and (c)**

2.—(1) Subject to the condition in paragraph (2), section 51 (work orders) of, and paragraph 3(a) and (c) (modification of the Social Work (Scotland) Act 1968<sup>(2)</sup>) of the schedule to, the 2007 Act, in so far as not already commenced, come into force on 1st April 2011.

(2) The condition is that those provisions are only in force for the purposes of making a work order where one or more of the alleged offences in relation to which the work order is to be made was committed in a local authority area where arrangements have been made by that local authority for the supervision of any such work order.

St Andrew’s House,  
Edinburgh  
10th March 2011

*KENNY MACASKILL*  
A member of the Scottish Executive

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(1) 2007 asp 6.  
(2) 1968 c.49.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (“the 2007 Act”) received Royal Assent on 22nd February 2007.

Section 51 of, and paragraph 3(a) and (c) of the Schedule to, the 2007 Act were commenced by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Commencement No. 4) Order 2008 on 2nd June 2008 to a limited extent, namely within the local authority areas of Highland, South Lanarkshire, West Dunbartonshire and West Lothian. Section 51 of the 2007 Act was commenced to the extent that any work order made under that section would fall to be supervised under arrangements made within those areas.

Paragraph 3(a) and (c) of the Schedule to the 2007 Act are consequential modifications to the Social Work (Scotland) Act 1968 which stem from the section 51 provisions. The effect of these modifications is to place a duty on a local authority to provide a service for the purpose of supervising and providing advice guidance and assistance to persons in their area who are subject to work orders.

Article 2 of this Order brings section 51 of, and paragraph 3(a) and (c) of the Schedule to, the 2007 Act into force on 1<sup>st</sup> April 2011 for those local authority areas in respect of which they have not previously been commenced. Article 2(2) of this Order provides that those provisions of the 2007 Act come into force only where one or more of the alleged offences in relation to which the work order is to be made was committed in a local authority area and in respect of which arrangements have been made by a local authority for the supervision of any such work order.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 6 and 7(2) (c)		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 7, in so far as not already commenced, except for section 7(2) (g)		10th March 2008	<a href="#">2008/42</a>
Sections 8 to 10		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 11		10th March 2008	<a href="#">2008/42</a>
Section 12(1)		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )

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<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 12(2) (partially)	To bring section 166B of the Criminal Procedure (Scotland) Act 1995(3) (“the 1995 Act”) into force	10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 12, in so far as not already commenced		10th March 2008	<a href="#">2008/42</a>
Sections 13 to 15		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Sections 16 and 17		10th March 2008	<a href="#">2008/42</a>
Sections 18 to 21		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Sections 22 and 23		10th March 2008	<a href="#">2008/42</a>
Sections 24 to 27		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 28		10th March 2008	<a href="#">2008/42</a>
Section 30		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 31		10th March 2008	<a href="#">2008/42</a>
Sections 32 to 34		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Sections 35 and 36		23rd April 2007	<a href="#">2007/250</a>
Sections 37 to 40		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 41(1) (partially)	To bring section 303B(6) of the 1995 Act into force	10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 41(2) (partially)	To bring sections 308A(2) to (4) of the 1995 Act into force	10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 43		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )

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(3) [1995 c.46.](#)

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<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 44(2)		23rd April 2007	2007/250
Sections 44, in so far as not already commenced, 45, 47 and 48		10th December 2007	2007/479 (as amended by 2007/527)
Sections 49 and 50		10th March 2008	2008/42
Section 51	To make work orders where one or more of the alleged offences in relation to which the work order is to be made was committed in the local authority areas of Highland, South Lanarkshire, West Dunbartonshire or West Lothian and in respect of which arrangements have been made by a local authority within those areas for the supervision of any such work order	2nd June 2008	2008/192
Sections 52 to 54		10th March 2008	2008/42
Section 55, except for the purpose of any relevant penalty which requires to be paid in any district court		10th March 2008	2008/42
Section 56		23rd April 2007	2007/250
Sections 57 and 58		10th December 2007	2007/479 (as amended by 2007/527)
Section 59 (partially)	To enable orders to be made under section 59(2) of the 2007 Act	10th December 2007	2007/479 (as amended by 2007/527)
Section 59(1), (3), (4), (5), (7), in so far as not already commenced, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin and		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362

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<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Tayside, Central and Fife			
Section 59(6), (8) and (9) in so far as not already commenced		10th March 2008	<a href="#">2008/42</a>
Section 59(1), (3), (4), (5) and (7), in so far as not already commenced, but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Section 59, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Section 60		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 61		10th March 2008	<a href="#">2008/42</a>
Section 62(4) to (7) (except as they apply to stipendiary magistrates)		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 62, in so far as not already commenced, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; and <a href="#">2008/362</a>
Section 62(1) to (3) and (8), but only for the Sheriffdom of Glasgow and Strathkelvin		8th December 2008	<a href="#">2008/329</a>
Section 62(4) to (7) in so far as not already commenced		8th December 2008	<a href="#">2008/329</a>
Section 62, in so far as not already commenced, but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Section 62, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Section 63 except section 63(2)		10th March 2008	<a href="#">2008/42</a>

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<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 64 to 66		10th December 2007	2007/479 (as amended by 2007/527)
Sections 67(5) and (6)		23rd April 2007	2007/250
Sections 67, in so far as not already commenced, and 68 (except subsections (4) and (5))		10th December 2007	2007/479 (as amended by 2007/527)
Section 68(4) and (5), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Section 68(4) and (5), but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Section 68, in so far as not already commenced		22nd February 2010	2009/432
Section 69		23rd April 2007	2007/250
Sections 70 to 73		10th December 2007	2007/479 (as amended by 2007/527)
Sections 74 and 75, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Section 74, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Section 74, in so far as not already commenced		22nd February 2010	2009/432
Section 75, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432

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<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 75, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Sections 76, 77(1) and (4)		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Section 77(2), (3) and (5), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Section 77(2), (3) and (5) but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Section 77, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Sections 78 and 79		23rd April 2007	<a href="#">2007/250</a>
Section 80 (partially)	To bring into force certain paragraphs of the schedule to the 2007 Act	23rd April 2007; 10th December 2007; 10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2007/250</a> ; <a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> ); <a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Section 80, in so far as not already commenced	To bring into force certain paragraphs of the schedule to the 2007 Act	14th December 2009; 22nd February 2010	<a href="#">2009/432</a>
Sections 81 to 84		22nd February 2007	On Royal Assent
Schedule, paragraph 1		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraph 2		10th March 2008	<a href="#">2008/42</a>
Schedule, paragraph 3(a) and (c), but only in the local authority areas of Highland, South Lanarkshire, West Dunbartonshire and West Lothian		2nd June 2008	<a href="#">2008/192</a>

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<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraph 4, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Schedule, paragraph 4, but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 4, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraph 5		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraph 6		23rd April 2007	<a href="#">2007/250</a>
Schedule, paragraph 7, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Schedule, paragraph 7, but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 7, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraph 8		10th March 2008	<a href="#">2008/42</a>
Schedule, paragraph 9(1) to (6), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>



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Tayside, Central and Fife			
Schedule, paragraph 9(1) to (6), but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 9(1) to (6), in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraph 9(7), but only in so far as it applies to justices of the peace		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraph 9(7), in so far as not already commenced, but only in so far as it applies to stipendiary magistrates and only for the Sheriffdoms of Glasgow and Strathkelvin; Grampian, Highland and Islands; Lothian and Borders; and Tayside, Central and Fife		8th December 2008 and 23rd February 2009	<a href="#">2008/329</a> and <a href="#">2008/362</a>
Schedule, paragraph 9(7), in so far as not already commenced, but only in so far as it applies to stipendiary magistrates and only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 9(7), in so far as not already commenced, but only in so far as it applies to stipendiary magistrates		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraphs 10 and 11		10th March 2008	<a href="#">2008/42</a>

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Schedule, paragraphs 12 to 15		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraph 16(1)		23rd April 2007	<a href="#">2007/250</a>
Schedule, paragraph 16(2) to 16(6)		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraphs 17, 18(1) and (4)		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraphs 18(2) and (3) and 19		23rd April 2007	<a href="#">2007/250</a>
Schedule, paragraph 20, except for paragraph 20(1)(b)(ii) and 20(3)(b)		10th March 2008	<a href="#">2008/42</a>
Schedule, paragraph 20(1)(b)(ii), except for the purposes of any fines or expenses which require to be paid to the clerk of any district court		10th March 2008	<a href="#">2008/42</a>
Schedule, paragraph 20(3)(b), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Schedule, paragraph 20(3)(b), but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 20(3)(b), in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraph 21		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )

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<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraph 22, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Schedule, paragraph 22, but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 22, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraphs 23 and 24		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraph 25(a) and (d), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Schedule, paragraph 25(a) and (d), but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 25, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraph 25(b)		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraph 25(c)		10th March 2008	<a href="#">2008/42</a>
Schedule, paragraph 26, but only for the Sheriffdoms of Lothian and Borders and		10th March 2008 and 2nd June 2008	<a href="#">2008/42</a> and <a href="#">2008/192</a>

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Grampian, Highland and Islands			
Schedule, paragraph 26, in so far as not already commenced, but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 26, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraph 26(a) to (s) and (u) to (v), but only for the Sheriffdom of Glasgow and Strathkelvin		8th December 2008	<a href="#">2008/329</a>
Schedule, paragraph 26(t), in so far as not already commenced		8th December 2008	<a href="#">2008/329</a>
Schedule, paragraph 26, in so far as not already commenced, but only for the Sheriffdom of Tayside, Central and Fife		23rd February 2009	<a href="#">2008/362</a>
Schedule, paragraph 27(a)		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraph 27(c) (partially)	To repeal paragraph 2 of the schedule to the Bail, Judicial, Appointments etc. (Scotland) Act 2000	10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraph 27, in so far as not already commenced, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Schedule, paragraph 27, in so far as not already		14th December 2009	<a href="#">2009/432</a>

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
commenced, but only for the Sheriffdom of North Strathclyde			
Schedule, paragraph 27, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraphs 28 and 29		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )
Schedule, paragraph 30(a), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Schedule, paragraph 30(a), but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 30(a), in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraphs 31 and 32(a)		10th March 2008	<a href="#">2008/42</a>
Schedule, paragraph 32(b) and (c), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Schedule, paragraph 32(b) and (c), but only for the Sheriffdom of North Strathclyde		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 32, in so far as not already commenced		22nd February 2010	<a href="#">2009/432</a>

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<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraph 33(1) and (2), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife and except for the purposes of any statutory instrument made under the 2007 Act		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	<a href="#">2008/42</a> ; <a href="#">2008/192</a> ; <a href="#">2008/329</a> ; and <a href="#">2008/362</a>
Schedule, paragraph 33(1) and (2), but only for the Sheriffdom of North Strathclyde and except for the purposes of any statutory instrument made under the 2007 Act		14th December 2009	<a href="#">2009/432</a>
Schedule, paragraph 33(1) and (2), in so far as not already commenced, except for the purposes of any statutory instrument made under the 2007 Act		22nd February 2010	<a href="#">2009/432</a>
Schedule, paragraph 33(3) and (4)		10th December 2007	<a href="#">2007/479</a> (as amended by <a href="#">2007/527</a> )