

**2001 No. 274 (C. 12)**

**CRIMINAL LAW**

**PRISONS**

**The Convention Rights (Compliance) (Scotland) Act 2001  
(Commencement) Order 2001**

*Made*

*23rd July 2001*

The Scottish Ministers, in exercise of the powers conferred by section 15(2) of the Convention Rights (Compliance) (Scotland) Act 2001<sup>(a)</sup>, hereby make the following Order:

**Citation**

1. This Order may be cited as the Convention Rights (Compliance) (Scotland) Act 2001 (Commencement) Order 2001.

**Interpretation**

2. In this Order—
- “the Act” means the Convention Rights (Compliance) (Scotland) Act 2001;
  - “the 1993 Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993<sup>(b)</sup>.

**Commencement of Parts 1, 2 and 5 of, and the Schedule to, the Act**

- 3.—(1) The following provisions of the Act shall come into force on 27th July 2001—
- (a) section 3(1)(b), but only insofar as it inserts section 10(2U) of the 1993 Act;
  - (b) section 4, but only insofar as it relates to the provisions of the Schedule mentioned in sub-paragraphs (c) and (d) below;
  - (c) paragraphs 21 and 68 of the Schedule;
  - (d) paragraph 77 of the Schedule, but only for the purpose of applying paragraph 68;
  - (e) section 5(1), (2) and (5); and
  - (f) section 5(4), but only for the purpose of enabling the Scottish Ministers to make regulations under paragraph 3D of Schedule 2 to the 1993 Act.
- (2) Section 11 of the Act shall come into force on 5th September 2001.

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<sup>(a)</sup> 2001 asp 7.

<sup>(b)</sup> 1993 c.9.

(3) Sections 1 and 2 of the Act, and sections 3, 4 and 5 of, and the Schedule to, the Act, in so far as they are not already in force, shall come into force on 8th October 2001.

St Andrew's House,  
Edinburgh  
23rd July 2001

*JAMES WALLACE*  
A member of the Scottish Executive

## EXPLANATORY NOTE

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

The Order brings into force Parts 1, 2 and 5 of, and the Schedule to, the Convention Rights (Compliance) (Scotland) Act 2001 (“the Act”)–

- section 5(1), (2) and (5) (which make provision as to regulation making powers relating to the Parole Board for Scotland) is brought into force on 27th July 2001;
- sections 3(1)(b) (which makes provision as to transferred life prisoners) and 5(4) (which makes provision as to the removal of members of the Parole Board for Scotland from office) are brought into force on 27th July 2001 for certain limited purposes;
- section 4 (which gives effect to Parts 1 to 5 of the Schedule) is brought into force on 27th July 2001 insofar as it relates to certain paragraphs of the Schedule. Paragraphs 21 and 68 of the Schedule are also brought into force on that date, as is paragraph 77 thereof for the purpose of applying paragraph 68 only;
- section 11 (which relates to the procurator fiscal of the Lyon Court) is brought into force on 5th September 2001; and
- sections 1 (which makes provision as to the release of life prisoners) and 2 (which amends the Criminal Procedure (Scotland) Act 1995), and sections 3 (which makes provision as to transferred life prisoners), 4 (which relates to transitional provisions) and 5 (which makes provision as to the appointment and removal of Parole Board members), and the Schedule, in so far as not already in force, are brought into force on 8th October 2001.

The Act received Royal Assent on 5th July 2001. Part 7 came into force on Royal Assent. Parts 3, 4 and 6 came into force on the day after Royal Assent. This Order brings into force the remaining provisions of the Act.

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