

2005 No.433 (C.21)

CRIMINAL LAW

**The Criminal Justice (Scotland) Act 2003 (Commencement
No. 6) Order 2005**

Made - - - -

1st September 2005

The Scottish Ministers, in exercise of the powers conferred by section 89(2) and (3) of the Criminal Justice (Scotland) Act 2003(a) hereby make the following Order:

Citation

1. This Order may be cited as the Criminal Justice (Scotland) Act 2003 (Commencement No. 6) Order 2005.

Commencement

2. The following provisions of the Criminal Justice (Scotland) Act 2003 shall come into force on 4th October 2005:-

- (a) section 2(a);
- (b) sections 7 to 10;
- (c) section 41; and
- (d) paragraph 1(3)(b) of Schedule 1.

St Andrew's House,
Edinburgh
1st September 2005

CATHY JAMIESON
A member of the Scottish Executive

(a) 2003 asp 7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 4th October 2005 sections 2(a), 7 to 10 and 41 of, and paragraph 1(3)(b) of Schedule 1 to, the Criminal Justice (Scotland) Act 2003.

Section 2(a) amends section 57 of the Criminal Procedure (Scotland) Act 1995 so as to allow the court to make an interim hospital order as an additional form of disposal where an accused person is found to be insane. The relevant provision of section 57 falls to be further amended by paragraph 8(3)(a)(iii) of Schedule 4 to the Mental Health (Care and Treatment) (Scotland) Act 2003. By virtue of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Commencement No. 4) Order 2005 (S.S.I. 2005/161), this paragraph will be brought into force on 5th October 2005.

Sections 7 to 9 make provision as to the preparation, implementation and review of Risk Management Plans (RMPs). Section 10 enables the Scottish Ministers to make grants to local authorities in connection with RMPs.

Section 41 inserts a new section 26B into the Prisoners and Criminal Proceedings (Scotland) Act 1993 to provide that the Parole Board, when considering the case of an offender in respect of whom there is a RMP, must have regard to that plan.

Paragraph 1(3)(b) of Schedule 1 inserts the definitions of “order for lifelong restriction” and “risk management plan” into section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Criminal Justice (Scotland) Act 2003 have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 2(b), 3, 19, 20, 22 to 25, 27 to 29, 31, 33 to 38, 39, 42, 43 to 50, 52 to 59, 61 to 69, 70(1), (3), (4) and (7), 71 to 74, 76, 78 to 82, 85 (partially) and 86, Schedule 2, Schedule 4, paragraphs 1, 2, 3(1) and (3) and 5 and Schedule 5	27th June 2003	S.S.I. 2003/288
Sections 51 and 60	27th October 2003	S.S.I. 2003/475
Section 21(1) to (8) and (11) (partially)	3rd November 2003	S.S.I. 2003/475
Sections 14, 15 and 18, section 85 (partially), Schedule 4, paragraph 3	25th November 2003	S.S.I. 2003/475
Sections 26 and 30	1st December 2003	S.S.I. 2003/475
Sections 4 to 6, 11 to 13	1st January 2004	S.S.I. 2003/475
Section 40	12th January 2004	S.S.I. 2003/475
Section 21 (9) and (10)	10th June 2004	S.S.I. 2004/240
Section 75	25th June 2004	S.S.I. 2004/240
Sections 16 and 17	1st November 2004	S.S.I. 2004/451

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