

2009 No. 432 (C. 32)

CRIMINAL LAW

**The Criminal Proceedings etc. (Reform) (Scotland) Act 2007
(Commencement No. 8) Order 2009**

Made - - - - *1st December 2009*

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(a).

Citation

1. This Order may be cited as the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Commencement No. 8) Order 2009.

Interpretation

2. In this Order—

“the 2007 Act” means the Criminal Proceedings etc. (Reform) (Scotland) Act 2007; and

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995(b).

Commencement

3.—(1) The provisions of the 2007 Act specified in column 1 of Schedule 1, the subject matter being specified in column 2, come into force on 14th December 2009.

(2) The provisions of the 2007 Act specified in column 1 of Schedule 2, the subject matter being specified in column 2, come into force on 22nd February 2010.

(3) The coming into force of the provisions listed in Schedules 1 and 2 are subject to any exceptions or limitations on extent specified in those Schedules.

(4) Where a particular purpose or area is specified in relation to any provision in column 1 of Schedule 1 or 2, that provision shall come into force, on 14th December 2009 or 22nd February 2010 as the case may be, for that purpose or in that area only.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew's House,
Edinburgh
1st December 2009

(a) 2007 asp 6.

(b) 1995 c.46.

SCHEDULE 1

Article 3(1)

PROVISIONS COMING INTO FORCE ON 14th DECEMBER 2009

<i>Column 1</i> <i>(provisions of the 2007 Act)</i>	<i>Column 2</i> <i>(subject matter)</i>
Section 59(1), (3), (4), (5) and (7), in so far as not already commenced, but only for the Sheriffdom of North Strathclyde	Establishing JP courts
Section 62, in so far as not already commenced, but only for the Sheriffdom of North Strathclyde	Area and territorial jurisdiction of JP courts
Section 68(4) and (5), but only for the Sheriffdom of North Strathclyde	Conditions of Office
Section 74, but only for the Sheriffdom of North Strathclyde	Appointment of stipendiary magistrates
Section 75, but only for the Sheriffdom of North Strathclyde	Stipendiary magistrates: further provision
Section 77(2), (3) and (5) but only for the Sheriffdom of North Strathclyde	Records and validity of appointment etc.
Section 80, in so far as not already commenced, for the purpose of bringing into force the following paragraphs of the schedule	Modification of enactments
Schedule, paragraph 4, but only for the Sheriffdom of North Strathclyde	Modification of the Education (Scotland) Act 1980(a)
Schedule, paragraph 7, but only for the Sheriffdom of North Strathclyde	Modification of the Road Traffic Offenders Act 1988(b)
Schedule, paragraph 9(1) to (6), but only for the Sheriffdom of North Strathclyde	Modification of the 1995 Act
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	Modification of the 1995 Act
Schedule, paragraph 20(3)(b), but only for the Sheriffdom of North Strathclyde	Modification of the 1995 Act
Schedule, paragraph 22, but only for the Sheriffdom of North Strathclyde	Modification of the 1995 Act
Schedule, paragraph 25(a) and (d), but only for the Sheriffdom of North Strathclyde	Modification of the 1995 Act
Schedule, paragraph 26, in so far as not already commenced, but only for the Sheriffdom of North Strathclyde	Modification of the 1995 Act
Schedule, paragraph 27, in so far as not already commenced, but only for the Sheriffdom of North Strathclyde	Modification of the Bail, Judicial Appointments etc. (Scotland) Act 2000(c)

(a) 1980 c.44.

(b) 1988 c.53. Paragraph 7(a) and (d) of the Schedule to the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 was amended by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Powers of District and JP Courts) Order 2007 (S.I. 2007/3480) to take account of amendments made to the Road Traffic Offenders Act 1988 by that Order.

(c) 2000 asp 9.

<i>Column 1</i> <i>(provisions of the 2007 Act)</i>	<i>Column 2</i> <i>(subject matter)</i>
Schedule, paragraph 30(a), but only for the Sheriffdom of North Strathclyde	Modification of the Criminal Justice (Scotland) Act 2003 (a)
Schedule, paragraph 32(b) and (c), but only for the Sheriffdom of North Strathclyde	Modification of the Antisocial Behaviour etc. (Scotland) Act 2004 (b)
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	Enactments generally: references to district court and justices of the peace

(a) 2003 asp 7.
(b) 2004 asp 8.

SCHEDULE 2

Article 3(2)

PROVISIONS COMING INTO FORCE ON 22nd FEBRUARY 2010

<i>Column 1</i> <i>(provisions of the 2007 Act)</i>	<i>Column 2</i> <i>(subject matter)</i>
Section 59, in so far as not already commenced	Establishing JP courts
Section 62, in so far as not already commenced	Area and territorial jurisdiction of JP courts
Section 68, in so far as not already commenced	Conditions of Office
Section 74, in so far as not already commenced	Appointment of stipendiary magistrates
Section 75, in so far as not already commenced	Stipendiary magistrates: further provision
Section 77, in so far as not already commenced	Records and validity of appointment etc.
Section 80, in so far as not already commenced, for the purpose of bringing into force the following paragraphs of the schedule	Modification of enactments
Schedule, paragraph 4, in so far as not already commenced	Modification of the Education (Scotland) Act 1980
Schedule, paragraph 7, in so far as not already commenced	Modification of the Road Traffic Offenders Act 1988
Schedule, paragraph 9(1) to (6), in so far as not already commenced	Modification of the 1995 Act
Schedule, paragraph 9(7), in so far as not already commenced, but only in so far as it applies to stipendiary magistrates	Modification of the 1995 Act
Schedule, paragraph 20(3)(b), in so far as not already commenced	Modification of the 1995 Act
Schedule, paragraph 22, in so far as not already commenced	Modification of the 1995 Act
Schedule, paragraph 25, in so far as not already commenced	Modification of the 1995 Act
Schedule, paragraph 26, in so far as not already commenced	Modification of the 1995 Act
Schedule, paragraph 27, in so far as not already commenced	Modification of the Bail, Judicial Appointments etc. (Scotland) Act 2000
Schedule, paragraph 30(a), in so far as not already commenced	Modification of the Criminal Justice (Scotland) Act 2003
Schedule, paragraph 32, in so far as not already commenced	Modification of the Antisocial Behaviour etc. (Scotland) Act 2004
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	Enactments generally: references to district court and justices of the peace

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.

Article 3(1) of, and Schedule 1 to, this Order bring into force various provisions of the 2007 Act, which will apply to the Sheriffdom of North Strathclyde from 14th December 2009. The provisions coming into force on that date together with the relevant subject matter are listed in Schedule 1 to the Order.

Article 3(2) of, and Schedule 2 to, this Order bring various provisions of the 2007 Act fully into force throughout Scotland on 22nd February 2010.

The provisions commenced by this Order go hand-in-hand with the establishment of justice of the peace courts (“JP courts”) (and the associated disestablishment of district courts) in the Sheriffdoms of North Strathclyde and South Strathclyde, Dumfries and Galloway. The Justice of the Peace Courts (Sheriffdom of North Strathclyde) etc. Order 2009 (S.S.I. 2009/331) (as amended by the Justice of the Peace Courts (Sheriffdom of North Strathclyde) etc. Amendment Order 2009 (S.S.I. 2009/409)) and the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Order 2009 (S.S.I. 2009/332) make provision as to the establishment and disestablishment of those courts.

The Justice of the Peace Courts (Sheriffdom of Lothian and Borders) etc. Order 2008 (S.S.I. 2008/31) made provision in relation to the establishment of JP courts in the Sheriffdom of Lothian and Borders on 10th March 2008. The Justice of the Peace Courts (Sheriffdom of Grampian, Highland and Islands) Order 2008 (S.S.I. 2008/93) (as amended by the Justice of the Peace Courts (Sheriffdom of Grampian, Highland and Islands) Amendment Order 2008 (S.S.I. 2008/179)) made provision in relation to the establishment of JP courts in the Sheriffdom of Grampian, Highland and Islands on 2nd June 2008. The Justice of the Peace Court (Sheriffdom of Glasgow and Strathkelvin) Order 2008 (S.S.I. 2008/328) (as amended by the Justice of the Peace Court (Sheriffdom of Glasgow and Strathkelvin) Amendment Order 2008 (S.S.I. 2008/374)) made provision in relation to the establishment of a JP court in the Sheriffdom of Glasgow and Strathkelvin on 8th December 2008. The Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Order 2008 (S.S.I. 2008/363) (as amended by the Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Amendment Order 2009 (S.S.I. 2009/20)) made provision for the establishment of JP Courts in the Sheriffdom of Tayside, Central and Fife on 23rd February 2009.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2007 Act have been brought into force by commencement orders made before the date of this Order.

The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Commencement No. 7) Order 2009 (S.S.I. 2009/116) was revoked by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Commencement No. 7) Revocation Order 2009 (S.S.I. 2009/238).

<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	2007/479 (as amended by 2007/527)
Section 7, in so far as not already commenced, except for section 7(2)(g)		10th March 2008	2008/42
Sections 8 to 10		10th December 2007	2007/479 (as amended by 2007/527)
Section 11		10th March 2008	2008/42
Section 12(1)		10th December 2007	2007/479 (as amended by 2007/527)
Section 12(2) (partially)	To bring section 166B of the 1995 Act into force	10th December 2007	2007/479 (as amended by 2007/527)
Section 12, in so far as not already commenced		10th March 2008	2008/42
Sections 13 to 15		10th December 2007	2007/479 (as amended by 2007/527)
Sections 16 and 17		10th March 2008	2008/42
Sections 18 to 21		10th December 2007	2007/479 (as amended by 2007/527)
Sections 22 and 23		10th March 2008	2008/42
Sections 24 to 27		10th December 2007	2007/479 (as amended by 2007/527)
Section 28		10th March 2008	2008/42
Section 30		10th December 2007	2007/479 (as amended by 2007/527)
Section 31		10th March 2008	2008/42
Sections 32 to 34		10th December 2007	2007/479 (as amended by 2007/527)
Sections 35 and 36		23rd April 2007	2007/250
Sections 37 to 40		10th December 2007	2007/479 (as amended by 2007/527)
Section 41(1) (partially)	To bring section 303B(6) of the 1995 Act into force	10th December 2007	2007/479 (as amended by 2007/527)
Section 41(2) (partially)	To bring sections 308A(2) to (4) of the 1995 Act into force	10th December 2007	2007/479 (as amended by 2007/527)

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 43		10th December 2007	2007/479 (as amended by 2007/527)
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 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 59(6), (8) and (9) in so far as not already commenced		10th March 2008	2008/42

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 60		10th December 2007	2007/479 (as amended by 2007/527)
Section 61		10th March 2008	2008/42
Section 62(4) to (7) (except as they apply to stipendiary magistrates)		10th December 2007	2007/479 (as amended by 2007/527)
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	2008/42; 2008/192; and 2008/362
Section 62(1) to (3) and (8), but only for the Sheriffdom of Glasgow and Strathkelvin		8th December 2008	2008/329
Section 62(4) to (7) in so far as not already commenced		8th December 2008	2008/329
Section 63 except section 63(2)		10th March 2008	2008/42
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 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		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Fife			
Sections 76, 77(1) and (4)		10th December 2007	2007/479 (as amended by 2007/527)
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	2008/42; 2008/192; 2008/329; and 2008/362
Sections 78 and 79		23rd April 2007	2007/250
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	2007/250; 2007/479 (as amended by 2007/527); 2008/42; 2008/192; 2008/329; and 2008/362
Sections 81 to 84		22nd February 2007	On Royal Assent
Schedule, paragraph 1		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 2		10th March 2008	2008/42
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	2008/192
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	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 5		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 6		23rd April 2007	2007/250
Schedule, paragraph 7, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Strathkelvin; and Tayside, Central and Fife			
Schedule, paragraph 8		10th March 2008	2008/42
Schedule, paragraph 9(1) to (6), 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
Schedule, paragraph 9(7), but only in so far as it applies to justices of the peace		10th December 2007	2007/479 (as amended by 2007/527)
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	2008/329 and 2008/362
Schedule, paragraphs 10 and 11		10th March 2008	2008/42
Schedule, paragraphs 12 to 15		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 16(1)		23rd April 2007	2007/250
Schedule, paragraph 16(2) to 16(6)		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraphs 17, 18(1) and (4)		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraphs 18(2) and (3) and 19		23rd April 2007	2007/250
Schedule, paragraph 20, except for paragraph 20(1)(b)(ii) and 20(3)(b)		10th March 2008	2008/42

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
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	2008/42
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	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 21		10th December 2007	2007/479 (as amended by 2007/527)
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	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 23 and 24		10th December 2007	2007/479 (as amended by 2007/527)
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	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 25(b)		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 25(c)		10th March 2008	2008/42
Schedule, paragraph 26, but only for the Sheriffdoms of Lothian and Borders and Grampian, Highland and Islands		10th March 2008 and 2nd June 2008	2008/42 and 2008/192

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraph 26(a) to (s) and (u) to (v), but only for the Sheriffdom of Glasgow and Strathkelvin		8th December 2008	2008/329
Schedule, paragraph 26(t), in so far as not already commenced		8th December 2008	2008/329
Schedule, paragraph 26, in so far as not already commenced, but only for the Sheriffdom of Tayside, Central and Fife		23rd February 2009	2008/362
Schedule, paragraph 27(a)		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 27(c) (partially)	To repeal paragraph 2 of the schedule to the Bail, Judicial, Appointments etc. (Scotland) Act 2000	10th December 2007	2007/479 (as amended by 2007/527)
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	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraphs 28 and 29		10th December 2007	2007/479 (as amended by 2007/527)
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	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraphs 31 and 32(a)		10th March 2008	2008/42
Schedule, paragraph 32(b) and (c), but only for the Sheriffdoms of Lothian and Borders; Grampian,		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife			
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	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 33(3) and (4)		10th December 2007	2007/479 (as amended by 2007/527)

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The Criminal Proceedings etc. (Reform) (Scotland) Act 2007
(Commencement No. 8) Order 2009