
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 413

**The Criminal Justice and Licensing (Scotland)
Act 2010 (Commencement No. 6, Transitional
and Savings Provisions) Order 2010**

Savings provision and transitional provision - section 60 (prosecution on indictment: Scottish Law Officers)

5.—(1) Subject to paragraph (2), notwithstanding the commencement of section 60 of the Act, indictments raised in the name of the Lord Advocate or, as the case may be, in the name of the Solicitor General prior to 13th December 2010 in respect of proceedings which have not concluded as at that date shall proceed as if that section has not been commenced.

(2) The amendments made to section 287 of the 1995 Act by section 60(4)(a)(iii) and (d)(i) of the Act shall apply to indictments in respect of which paragraph (1) makes provision.

(3) Section 287(2B)(1) of the 1995 Act applies in respect of indictments raised in the name of the Solicitor General prior to 13th December 2010 in proceedings which have not concluded as at that date in the same way as it applies to indictments raised at the instance of the Solicitor General after that date.

(4) The reference to section 287(2B) in section 287(4)(a)(2) of the 1995 Act must in cases, in respect of which paragraph (3) applies, be construed accordingly.

(1) Section 287(2B) was inserted by section 60(4)(c) of the Criminal Justice and Licensing (Scotland) Act 2010 ([asp 13](#)) (“the Act”).

(2) Section 287(4)(a) was amended by section 60(4)(d)(ii) of the Act.