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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 426**

**The Criminal Justice (Scotland) Act 2016  
(Commencement No. 3 and Saving Provision) Order 2016**

**Saving provision – judicial examination**

**3.** Despite their repeal by section 78 of the 2016 Act, the following provisions of the 1995 Act have effect on and after 17th January 2017 (“the appointed day”) as they had effect immediately before that date—

- (a) sections 36(10) and (11) and 37, but only in relation to any examination, or further examination, occurring before the appointed day;
- (b) section 38, but only in relation to any transcript served on the accused under section 37(6) (a) of the 1995 Act in relation to any examination, or further examination, occurring before the appointed day;
- (c) section 68(1), but only in relation to a record made under section 37 of the 1995 Act in relation to any examination, or further examination, occurring before the appointed day;
- (d) section 79(2)(b)(iii), but only in relation to an application under section 278(2) of the 1995 Act in respect of a record made under section 37 of that Act in relation to any examination, or further examination, occurring before the appointed day; and
- (e) section 278, but only in relation to a record made under section 37 of the 1995 Act in relation to any examination, or further examination, occurring before the appointed day.