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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 33 (C. 4)**

**CRIMINAL LAW**

**The Community Justice (Scotland) Act 2016 (Commencement No. 2, Transitional and Saving Provisions) Regulations 2017**

<i>Made</i>	- - - -	<i>7th February 2017</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th February 2017</i>
<i>Coming into force</i>	- -	<i>31st March 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 41(2) and (3) of the Community Justice (Scotland) Act 2016<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Community Justice (Scotland) Act 2016 (Commencement No. 2, Transitional and Saving Provisions) Regulations 2017 and come into force on 31st March 2017.

(2) In these Regulations “the Act” means the Community Justice (Scotland) Act 2016.

**Appointed days**

2.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in schedule 1 (the subject matter of which is specified in the corresponding entry in column 2) is 31st March 2017.

(2) Where a purpose is specified in column 3 of the table in schedule 1, the provision comes into force in accordance with paragraph (1) only for that purpose.

(3) The day appointed for the coming into force of all of the provisions of the Act, so far as not already in force, is 1st April 2017.

**Annual reports on exercise of functions**

3. Despite the coming into force of section 11 of the Act (annual reports on exercise of functions) in accordance with regulation 2(3), Community Justice Scotland is not required to produce an annual report for the financial year ending on 31st March 2017.

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(1) 2016 asp 10.

#### **Dissolution of community justice authorities - transfer of liabilities**

4.—(1) Any actual or contingent liabilities of a community justice authority established under section 3 of the Management of Offenders etc. (Scotland) Act 2005<sup>(2)</sup> become, on the appointed day in regulation 2(1), actual or contingent liabilities of the Scottish Ministers.

(2) Any legal proceedings raised by or against a community justice authority which have not been finally determined by that date may be continued by or against the Scottish Ministers.

#### **Auditing of community justice authorities' accounts**

5.—(1) Despite the revocation of the Management of Offenders etc. (Scotland) Act 2005 (Members' Remuneration and Supplementary Provisions) Order 2008<sup>(3)</sup> ("the Order") by paragraph 6(c) of schedule 2 of the Act, article 2 of the Order (auditing of community justice authorities' accounts) continues to have effect for the purposes of the auditing of community justice authorities' accounts for the financial year ending on 31st March 2017, subject to paragraph (2).

(2) The duties imposed on community justice authorities by article 2(1)(b) and (c) of the Order are to be discharged by the relevant local authority.

(3) For the purposes of paragraph (2), the "relevant local authority" in relation to each community justice authority set out in column 1 of the table in schedule 2 is specified in the corresponding entry in column 2.

St Andrew's House,  
Edinburgh  
7th February 2017

*ANNABELLE EWING*  
Authorised to sign by the Scottish Ministers

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(2) 2005 asp 14.  
(3) S.S.I. 2008/30.

SCHEDULE 1

Regulation 2

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 31ST MARCH 2017

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the Act</b>	<b>Subject matter</b>	<b>Purpose</b>
Section 36	Abolition of community justice authorities	
Section 38 and paragraphs 1, 3, 4, 5 and 6 of schedule 2	Consequential and minor modifications	Section 38 is commenced for the purpose of commencing paragraphs 1, 3, 4, 5 and 6 of schedule 2

SCHEDULE 2

Regulation 5

RELEVANT LOCAL AUTHORITIES

<b>Column 1</b>	<b>Column 2</b>
<b>Name of community justice authority</b>	<b>Relevant local authority</b>
Glasgow	Glasgow City
Northern	Shetland Islands
Tayside	Dundee City
Fife and Forth Valley	Falkirk
Lothian and Borders	City of Edinburgh
North Strathclyde	Renfrewshire
Lanarkshire	South Lanarkshire
South West Scotland	North Ayrshire

**EXPLANATORY NOTE**

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

These Regulations bring into force the provisions of the Community Justice (Scotland) Act 2016 (“the Act”) (so far as not already in force).

Regulation 2(1) brings section 36 of the Act (abolition of community justice authorities) into force on 31st March 2017. That section abolishes community justice authorities which were established under the Management of Offenders etc. (Scotland) Act 2005. It also repeals sections 3 to 9 of that Act, which relate to the establishment and functions of the community justice authorities.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 2(1) also brings section 38 of the Act (consequential and minor modifications) partially into force on 31st March 2017 for the purpose of commencing paragraphs 1, 3, 4, 5 and 6 of schedule 2 of the Act. Those paragraphs make minor and consequential provision in consequence of the abolition of the community justice authorities.

Regulation 2(3) brings into force all provisions of the Act (so far as not already in force) on 1st April 2017.

Regulation 3 makes transitional provision in relation to the coming into force of section 11 (annual reports on exercise of functions) to provide that Community Justice Scotland is not required to prepare an annual report for the financial year ending on 31st March 2017.

Regulation 4(1) makes transitional provision relating to the commencement of section 36 of the Act to transfer any actual or contingent liabilities of community justice authorities to the Scottish Ministers. Regulation 4(2) provides that ongoing proceedings raised by or against a community justice authority by 31st March 2017 may be continued by or against the Scottish Ministers.

Regulation 5 makes saving and transitional provision in relation to the revocation of the Management of Offenders etc. (Scotland) Act 2005 (Members' Remuneration and Supplementary Provisions) Order 2008 ("the Order") by section 38 and paragraph 6(c) of schedule 2 of the Act. Article 2(1)(b) and (c) of the Order imposes duties on community justice authorities to prepare annual accounts and to send a copy of those accounts to the Scottish Ministers. Article 2(2) of the Order imposes a duty on the Scottish Ministers to send a copy of the accounts to the Auditor General for Scotland for auditing. Regulation 5 saves article 2 of the Order for the purposes of the preparation of the community justice authorities' accounts for the financial year ending on 31st March 2017 and transfers the duties in article 2(1)(b) and (c) to the relevant local authority for each community justice authority. The relevant local authority which is to assume these duties for each community justice authority is specified in the corresponding entry in column 2 of the table in schedule 2 of these Regulations.

The Bill for the Act received Royal Assent on 21st March 2016. Sections 1, 2, 13(1), 14(1) to (6), 15, 17, 37 and 39 to 42 came into force the following day.

#### **NOTE AS TO EARLIER COMMENCEMENT REGULATIONS**

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

The following provisions of the Act have been brought into force by commencement regulations made before the date of these Regulations:

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 3 and paragraphs 1 to 13 of schedule 1 (partially/for limited purposes)	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 7	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 9	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 10	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 12	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 13	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 14	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 19	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 20	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 21	1st October 2016	<a href="#">S.S.I. 2016/262</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 22	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 23	1st October 2016	<a href="#">S.S.I. 2016/262</a>
Section 24	1st October 2016	<a href="#">S.S.I. 2016/262</a>