

Changes to legislation: Criminal Procedure (Scotland) Act 1975, SCHEDULE 9 is up to date with all changes known to be in force on or before 31 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 9

Section 461.

AMENDMENT OF OTHER ENACTMENTS

Modifications etc. (not altering text)

- C1** The text of Schedule 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The Jurors (Scotland) Act 1825 (1825 c. 22)

- 1 In section 7, for the words from the beginning to “case may be” there shall be substituted the words “The Court of Session may by Act of Sederunt”, and for the words from “those courts” to “Edinburgh” there shall be substituted the words “that court”.
- 2 In section 10, for the words “court whatsoever” there shall be substituted the words “civil court”.
- 3 In section 13, after the word “several” there shall be inserted the words “civil jury”.
- 4 In section 19, after the word “several” there shall be inserted the word “civil”.

The Criminal Law (Scotland) Act 1830 (1830 c. 37)

- 5 In section 7, for the words from “cause” to “criminal” there shall be substituted the words “civil cause or proceeding”.
- 6 **F1**

Textual Amendments

- F1** [Sch. 9 para. 6](#) repealed by [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), [Sch. 3](#)

The Children and Young Persons (Scotland) Act 1937 (1937 c. 37.)

- 7 In section 57(3), for the words “this section” there shall be substituted the words “section 206 of the Criminal Procedure (Scotland) Act 1975”.
- 8 In section 58A(2), for the words “this section” there shall be substituted the words “section 413 of the Criminal Procedure (Scotland) Act 1975”.
- 9 In section 62(b), for the words from “subsection (2)” to the end there shall be substituted the words “subsection (2) of section 206 of the Criminal Procedure (Scotland) Act 1975; or”.

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- 10 In section 87, in subsections (1) and (3), after the words “Act 1963” there shall be inserted the words “and of the Criminal Procedure (Scotland) Act 1975”, and for the words “section 58A of this Act” there shall be substituted the words “section 413 of the said Act of 1975”.
- 11 In section 105(1), for the words from “provided” to the end of the subsection, there shall be substituted the words “provided by the Criminal Procedure (Scotland) Act 1975”.
- 12 In section 110(1), the definitions of “commit for trial” and “remand” shall be omitted.

The Law Officers Act 1944 (1944 c. 25.)

- 13 In section 2, in the proviso, at the end there shall be added the words “or section 42 of the Criminal Procedure (Scotland) Act 1975”.

The Criminal Justice (Scotland) Act 1949 (1949 c. 94.)

- 14 In section 42(2), for the words “the Summary Jurisdiction (Scotland) Act 1908” there shall be substituted the words “Part II of the Criminal Procedure (Scotland) Act 1975”.
- 15 F2

Textual Amendments

F2 Sch. 9 para. 15 repealed by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [Sch. 13](#)

- 16 F3

Textual Amendments

F3 Sch. 9 para. 16 repealed by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), [Sch. 3](#)

- 17—29. F4

Textual Amendments

F4 Sch. 9 paras. 17–29 repealed by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), [Sch. 5](#)

The Criminal Justice Act 1961 (1961 c. 39.)

- 30 In section 32(2), after paragraph (h) there shall be inserted the following paragraph—
“(i) sections 214 and 423 of the Criminal Procedure (Scotland) Act 1975.”

The Criminal Justice (Scotland) Act 1963 (1963 c. 39)

- 31—35. F5

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Textual Amendments

F5 Sch. 9 paras. 31–35 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), Sch. 3

36 In Schedule 1, in paragraph 11, for the words “paragraphs 4 to 7” there shall be substituted the words “sections 214(1) to (6) and 423(1) to (6) of the Criminal Procedure (Scotland) Act 1975”, and for the words from “substituted subparagraphs” to the end there shall be substituted the words “substituted paragraphs (a) and (b) of section 214(2) or 432(2) of the said Act of 1975”.

37 In Schedule 1, in paragraph 13, for the words from “paragraph 8” to “this Schedule” there shall be substituted the words “section 214(7) or 423(7) of the Criminal Procedure (Scotland) Act 1975 (and, if that person is released from such a prison under the said section 214(7) or 423(7), paragraph 2 of this Schedule)”.

38 In Schedule 1, in paragraph 14, after the word “Schedule” there shall be inserted the words “or section 214 or 423 of the Criminal Procedure (Scotland) Act 1975”.

39 In Schedule 1, in paragraph 15, for the words “Part I of this Schedule” there shall be substituted the words “section 214 or 423 of the Criminal Procedure (Scotland) Act 1975”.

40 **F6**

Textual Amendments

F6 Sch. 9 para. 40 repealed by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), Sch. 8

41 **F7**

Textual Amendments

F7 Sch. 9 para. 41 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), Sch. 3

The Social Work (Scotland) Act 1968 (1968 c. 49)

42 In section 37, in subsection (2), for the words from “Children” to “that Act” there shall be substituted the words “Criminal Procedure (Scotland) Act 1975 or any offence under section 21(1) of the Children and Young Persons (Scotland) Act 1937”, and in subsection (4), for the words from “section 40(3)” to “1937” there shall be substituted the words “section 14(1), 296(3) or 323(1) of the said Act of 1975”.

^{F8}43

Textual Amendments

F8 “(a)” inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, Sch. 15, para. 49(a)

^{F9}44

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Textual Amendments

- F9** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 15**, para. 49(b)

The Children and Young Persons Act 1969 (1969 c. 54)

- 45 In Schedule 5, in paragraph 53, for the words “The said sections 39 and 49” there shall be substituted the words “Sections 39 and 49 of the principal Act”, and for the words “sections 46 and 54” wherever those words occur there shall be substituted the words “section 46”.
- 46 In Schedule 5, in paragraph 78, for the words from “section 58A” to the words “that section” there shall be substituted the words “section 413 of the Criminal Procedure (Scotland) Act 1975 and is not released under section 58A(3) of the said Act of 1937”.

The Immigration Act 1971 (1971 c. 77)

- 47 In section 6(2), for the words “section 26 of the Criminal Justice (Scotland) Act 1949” there shall be substituted the words “section 179 or 380 of the Criminal Procedure (Scotland) Act 1975”.

The Criminal Justice Act 1972 (1972 c. 71)

- 48 In section 24, for subsection (4) there shall be substituted the following subsection—
- “(4) References in this section to facilitating the commission of an offence include references to the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.”
- 49 In section 51(2), for the words “section 39(1) of the Criminal Justice (Scotland) Act 1963” there shall be substituted the words “sections 17(1) and 325(1) of the Criminal Procedure (Scotland) Act 1975”.

The Powers of Criminal Courts Act 1973 (1973 c. 62)

- [^{F10}50] In section 10—
- (a) in subsection (3)(a), for the words from “subsection (2)” to “Act 1949” there shall be substituted the words “section 184(2) or 385(2) of the Criminal Procedure (Scotland) Act 1975”, and after the words “Act and” there shall be inserted the words “section 184 or 385”;
 - (b) in subsection (3)(b), for the words “section 3” there shall be substituted the words “section 184 or 385”, and for the words “virtue of section 3” there shall be substituted the words “virtue of section 184 or 385”;
 - (c) in subsection (4), for the words from “Criminal” to “and 6” there shall be substituted the words “Criminal Procedure (Scotland) Act 1975, except sections 186(2)(b), 187, 387(2)(b) and 388”, and for the words “section 2” there shall be substituted the words “section 183 or 384”;

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- (d) in subsections (5) and (6), for the words from “Criminal” to “1949” there shall be substituted the words “Criminal Procedure (Scotland) Act 1975”; and
- (e) in subsection (8), for the words from “section 7” to “1949” there shall be substituted the words “section 188 or 389 of the Criminal Procedure (Scotland) Act 1975”, and for the words “section 2” there shall be substituted the words “sections 183 or 384”.]

Textual Amendments

F10 [Sch. 9 para. 50](#) repealed (S.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53\)](#), s. 101(2), [Sch. 13](#); [S.I. 1992/333](#), art. 2(2), [Sch. 2](#).

The Health and Safety at Work etc. Act 1974 (1974 c. 37)

- 51 In section 34(5)(b), for the words “23(2) of the Summary Jurisdiction (Scotland) Act 1954” there shall be substituted the words “331(3) of the Criminal Procedure (Scotland) Act 1975”.

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Changes and effects yet to be applied to :

- Sch. 9 para. 4344 repealed (prosp.) by [1995 c. 36 s. 105\(5\)Sch. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act certain function transferred. by [1994 c. 39 s. 127\(1\)128](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 168(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(6\)\(b\)](#)
- s. 364(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(14\)\(b\)](#)
- s. 413(3) (defn. of "the appropriate local authority") para. (a)(b) amended by [1994 c. 39 Sch. 13 para. 97\(5\)](#)
- s. 413(3) (defns. of "care" and "the 1968 Act") repealed (prosp.) by [1995 c. 36 s. 105\(4\)\(5\)Sch. 4 para. 24\(17\)\(b\)\(i\)Sch. 5](#)
- s. 462 (defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement") amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(18\)](#)
- s. 462 (defns. of "crime" and "prosecutor") applied (prosp.) by [1995 c. 36 s. 53\(7\)](#)