

## SCHEDULES

### SCHEDULE 1

Sections 14, 18, 62, 143, 167, 171, 294,  
313, 323, 331, 348, 363, 364 and 368.

#### OFFENCES AGAINST CHILDREN UNDER THE AGE OF 17 YEARS TO WHICH SPECIAL PROVISIONS APPLY

- (a) Any offence under the Criminal Law Amendment Act 1885.
- (b) Any offence in respect of a child under the age of 17 years which constitutes the crime of incest.
- (c) Any offence under section 12, 13, 14, 15, 22 or 33 of the Children and Young Persons (Scotland) Act 1937.
- (d) Any other offence involving bodily injury to a child under the age of 17 years.

### SCHEDULE 2

Section 99.

#### REMISSION OF FINES ON JURORS

- 1 Applications for remission of fines imposed at any sitting of the High Court received after the termination of such sitting shall be laid before any Lord Commissioner of Justiciary as soon as possible after receipt thereof.
- 2 No fees or dues of court or expenses shall be exigible in respect of any such application.
- 3 No such fine shall be reported by the Clerk of Justiciary or circuit clerk to the Queen's and Lord Treasurer's Remembrancer until the expiry of not less than three weeks from the conclusion of the last diet of the sitting of the High Court at which the fine has been imposed: and if, prior to that time, an application for remission of the fine shall have been received, no report shall be made to the Queen's and Lord Treasurer's Remembrancer until the application has been disposed of, and then only if the application be dismissed or refused as aftermentioned.
- 4 In case the judge dealing with any such application shall be of opinion that, having regard to the circumstances disclosed, the said application has not been brought within a reasonable time, he may dismiss the application. Otherwise he shall deal with the application on its merits and may grant the same and remit the fine or refuse the same, according as he is, or is not, satisfied, after such further inquiry, if any, as he may think proper, that the reasons adduced are vouched to his satisfaction and afford sufficient excuse for non-attendance.
- 5 A record of all such applications shall be entered in short form in the High Court minute books and the application with relative order thereon—but not containing the medical certificate or particulars attached thereto—shall be appended to the books of adjournal.

- 6 Medical certificates and reasons for non-attendance as jurors either (a) submitted after citation or (b) lodged with the said application, may be destroyed on the expiry of one month after the date of the sitting of the court to which they refer.

### SCHEDULE 3

Section 100.

#### COMPOSITION OF JURIES

##### *Summoning of Jurors.—Lists of Assize*

- 1 Where a list of assize falls to be returned upon requisition of the Clerk of Justiciary for a criminal trial in which the second diet is to be held before the High Court, or falls to be prepared by the clerk of the district where the second diet is to be held in cases in which the second diet is to be in a sheriff court, the following provisions shall apply, namely:—
- (a) Where according to the existing law and practice the number of jurors in any list to be requisitioned by the Clerk of Justiciary would not exceed 45 in the case of a sitting of the High Court, the Clerk shall make requisition for a return of such a number of jurors—not exceeding 90, nor fewer than 60 where 45 would be requisitioned, and in the like proportion in other cases—as he may deem requisite: and the sheriffs responsible for making the return shall return such increased number accordingly, returning as nearly as possible the names of men and women equally.
  - (b) Where a number of jurors in excess of the numbers specified in the preceding sub-paragraph is to be requisitioned, the Act of Adjournal or the Lord Commissioner of Justiciary making the direction for the return shall specify the number of jurors to be returned; and of the number so specified, men and women respectively shall be returned as nearly as may be equally.
  - (c) The provisions of this Act regulating the proportions in which jurors are to be drawn from the various districts included in any area for which a return is made by a sheriff, shall extend to and be observed in the return of women as well as of men.
  - (d) In making his return the sheriff shall group the men and women respectively returned by him separately, by placing their names in different columns, or in some other convenient manner.
  - (e) The clerk charged with the preparation of any list of assize for a trial of which the second diet is appointed to be held in a sheriff court, shall, in preparing the same, include such equal number of women as of men therein as shall seem to him to be reasonably sufficient to ensure the attendance of a number of jurors of each sex so as to provide a jury of that sex only, if such should be required for the trial of such case or cases.
  - (f) A husband and wife shall not be returned in any case on the same list of assize.

##### *Jury of Men only, or of Women only*

- 2 Any application by a prosecutor or by the accused in terms of section 100 of this Act for a jury of men only, or of women only, must be made at the first (pleading) diet immediately after the recording of a plea or pleas of " not guilty " (or where no plea is taken because of preliminary objections held by the sheriff not to be

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frivolous, then immediately after such objections have been certified by the sheriff under section 105 of this Act or otherwise disposed of by him). An entry recording the making of the application shall be entered on the record copy of the indictment, and signed by the presiding sheriff.

- 3 If the second diet is appointed to be held in the sheriff court, and the judge presiding at the first diet is a sheriff having jurisdiction to try the case, he may, if so advised, forthwith deal with the application in the manner in which as hereinafter provided it may be dealt with by a judge of the court of the second diet, or he may at his own instance make an order as to the composition of the jury in respect of sex conform to the said subsection, and in that case his decision shall be recorded as aforesaid and shall be final; or he may reserve consideration of the question to be dealt with as aftermentioned.
- 4 In all cases in which such an application shall be made as hereinbefore provided for, but not dealt with by the judge presiding at the first diet in terms of the immediately preceding paragraph after transmission of the record copy of the indictment in terms of section 103 or 105 of this Act, or on receipt of the telegraphic intimation of the presentation of an application hereinafter provided for, the Clerk of Justiciary, or the clerk of the court of the second diet, shall on the third lawful day after the date of the first diet submit the report of the proceedings at the first diet to a Lord Commissioner of Justiciary, or, where the second diet is in a sheriff court, to a sheriff having jurisdiction to try the case, who shall deal with it as follows:
- (a) The application shall be disposed of by him summarily, in court, or in chambers, after such intimation to parties, enquiry, or hearing (if any) as to him shall seem just, by order granting or refusing the same, which order shall be entered on the record copy of the indictment and signed by the judge making it, and shall be final: provided, however, that if any party (including any person accused in the same indictment as the applicant) shall have given notice, either at the time of making the application or by letter received by the clerk before the proceedings are reported to the judge, intimating that he desires to be heard in support of or against the application, then the judge shall not proceed to dispose of the application without giving the party who has so given notice, or his agent, such intimation and opportunity of being heard by counsel or by an agent qualified to practise in the court of the second diet as shall seem to him to be reasonable in the circumstances. But nothing herein contained shall confer any right on the accused to be personally present at the disposal of the application.
  - (b) Where owing to defective postal facilities or other cause the record copy of the indictment appointed under this Act to be transmitted to the Clerk of Justiciary or the clerk of the district of the court of the second diet shall not be in the hands of the said clerk on the morning of the third lawful day after the first diet, the procedure hereinbefore directed to be taken before a judge on said third lawful day may competently proceed upon telegraphic or telephonic intimation given to the clerk of court of the proceedings at the first diet bearing upon—
    - (i) the plea recorded (if any) ;
    - (ii) any application then made for a jury of one sex only; and
    - (iii) any special defence of which notice may have been given ;and in that case any order by the judge may, pending receipt of the record copy of the indictment, be made and signed by the judge making it on

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a separate copy of the indictment or in the books of the court, but shall afterwards be endorsed on the record copy of the indictment.

- (c) Where having regard to the usual course of post, or to any exceptional circumstances existing at the time, there is reason to believe that the record copy of the indictment may not reach the said clerk by the morning of the third day after the first diet, it shall be the duty of the clerk of the court of the first diet to send to the said clerk for the second diet by telegraph or telephone intimation in terms of the preceding sub-paragraph immediately after the first diet.

- 5 Notwithstanding anything herein contained, it shall nevertheless be competent, in any case in which no such application has been made and disposed of as hereinbefore provided for, for the judge appointed to preside at the trial of the case, at any stage prior to the empanelling of the jury to make an order, if in his discretion he shall think proper so to do, that the jury for trial of the case shall be composed of men only or of women only, subject always to the condition that no such order shall be made or take effect unless there are a sufficient number of men or women (as the case may be) on the assize list and present and available to form a jury of the composition contemplated.

*Summoning of Jurors.—Citation*

- 6 (1) If, prior to the date of citation of the jurors for any diet, an order shall have been made directing that all the cases appointed for trial at such diet shall be tried by a jury or juries composed of men only, or of women only, as the case may be, the clerk of court may reduce the list of assize by striking out the names of the persons of the other sex from the list of assize, and it shall not be necessary to cite any of these persons as jurors.
- (2) Where no such application as is hereinbefore provided for in respect of any of the cases appointed for trial at a sitting to which any list of assize applies has been made at the first diet, the clerk of court may forthwith reduce the list of assize to such number as would fall to be cited according to former law and practice. This he shall do by striking out of the list of assize the names of men and women, in equal numbers so far as may be, commencing with the names lowest on the list returned for each district, and only the assizers whose names remain on the list when so reduced shall be cited. Provided, however, that if intimation shall have been given of any special defence which shall appear to the clerk of court to be of such a nature as to involve enquiry into an issue which may be suited for trial before a jury of persons of one sex only, he shall, before proceeding to reduce the list of assize take the instructions of a judge competent to try the case.
- (3) Where applications have been made at the first diet as hereinbefore provided for in any cases appointed for trial at any such sitting and these applications shall all have been dealt with and refused prior to the date of citation of the jury, the clerk of court shall, upon the refusal of said applications, proceed as provided in the preceding sub-paragraph.
- (4) In all other cases (subject to the provisions of section 97 of this Act as to summoning only so many jurors as may be necessary), the persons whose names appear on the list of assize shall be summoned, men and women equally.
- (5) Where, owing to change of circumstances, by reason of the withdrawal of charges or otherwise, after the citation of jurors the conditions are found to be such that if

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they had existed prior to the citation the provisions of sub-paragraphs (1), (2) or (3) of this paragraph would have been applicable, the clerk of court may thereupon, notwithstanding citation, proceed to reduce the list of assize as in these sub-paragraphs provided for, and to countermand the citations of those jurors whose names are struck out of the list when reduced.

- (6) In this paragraph " clerk of court" shall mean and include the clerk of court of the second diet, and in cases in which the second diet is before a sheriff, the sheriff-clerk of the district of the court of the second diet, and in any case falling to be tried in the High Court, the Clerk of Justiciary.
- (7) Jurors whose names are struck out in reducing the list of assize, or whose citations are countermanded as above provided for shall be liable to future service as jurors as if their names had not been included in the particular list of assize.

#### *Selection of Jurors from the Panel*

- 7 (1) Where any case shall be remitted to an assize in which an order shall have been made as aforesaid that it shall be tried before a jury composed of men only or of women only, then in balloting for the jury in that case there shall be placed in the box or glass used for containing the slips of the names of jurors (as provided in section 129 of this Act) the slips containing the names of all the jurors who have been summoned; but in balloting for the jury, persons whose names shall be drawn who are not of the sex of which the jury has been directed to be composed, shall be passed over and not called on to serve on that particular jury; but the jury shall consist of the 15 persons of the sex of which it has been ordered to be composed whose names shall be first drawn and who shall not be successfully challenged. The slips containing the names of persons passed over under this provision shall be laid aside and returned to the ballot glass before another jury is balloted for.
- (2) Where no order such as is mentioned in the preceding sub-paragraph shall have been made, then the names of all the persons appearing on the list of assize and summoned to attend shall be placed in the box or glass irrespective of whether they are men or women; and the ballot shall be carried through according to the method presently in use without distinguishing between men and women.

#### *Exemptions*

- 8 Any woman summoned to serve on a jury shall be entitled to apply to be exempted from service on account of pregnancy or other feminine condition or ailment, subject to the following conditions:—
  - (a) Application for exemption shall be made by her to the clerk of the court in which the second diet is to be called, or in any case in the High Court to the Clerk of Justiciary, as soon as may be after receipt of the citation, and unless on special cause shown not later than the third day before the date of said diet, and the same shall be supported by evidence (by a medical certificate or otherwise) vouching to the satisfaction of the said clerk that the applicant is or will be, by reason of pregnancy or some other feminine condition or ailment, unfit to attend and serve as a juror at the trial.
  - (b) Applications duly made as herein provided for shall be dealt with by the said clerk, who shall have power to dispose of them after such consultation with a judge competent to try the case as he may think necessary. Intimation

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- of the granting or refusal of the application shall be made to the applicant by the clerk.
- (c) Any such juror whose application for exemption is granted shall as regards liability for future jury service be in the same position as if she had not been included in the list of the assize on which she is exempted from serving.
- 9 Every citation upon a woman to attend as a juror shall contain a notification as nearly as may be in terms of the appropriate form contained in an Act of Adjournal under this Act.
- 10 Nothing herein contained shall prejudice—
- (a) the right of the judge presiding at any trial at any time before the jury is empanelled to grant exemption in his discretion to a woman from serving as a juror in any case in respect of any of the reasons provided for in section 100 of this Act; nor
- (b) any power presently exercised by any clerk of court or the Clerk of Justiciary, or by any judge presiding at a trial, to excuse at any time any person summoned to attend as a juror from attendance.

#### SCHEDULE 4

Sections 143 and 348.

#### ENACTMENTS REFERRED TO IN SECTIONS 143 AND 348 OF THIS ACT

Session and Chapter	Short Title	Enactments referred to
<a href="#">2 Edw. 7. c. 11.</a>	The Immoral Traffic (Scotland) Act 1902.	Proceedings for any offence under the Act.
<a href="#">9 &amp; 10 Geo. 6. c. 67.</a>	The National Insurance Act 1946.	Section 53(5).
<a href="#">11 &amp; 12 Geo. 6. c. 29.</a>	The National Assistance Act 1948.	Section 51.
<a href="#">8 &amp; 9 Eliz. 2. c. 61.</a>	The Mental Health (Scotland) Act 1960.	Section 96.
<a href="#">1966 c. 20.</a>	The Ministry of Social Security Act 1966.	Section 33(6).
<a href="#">1967 c. 34.</a>	The Industrial Injuries and Diseases (Old Cases) Act 1967.	Section 11(5).

#### SCHEDULE 5

Sections 183, 185, 384 and 386.

#### DISCHARGE AND AMENDMENT OF PROBATION ORDERS

##### *Discharge*

- 1 A probation order may on the application of the officer supervising the probationer or of the probationer be discharged—

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- (a) by the appropriate court, or
- (b) if no appropriate court has been named in the original or in any amending order, by the court which made the order.

#### *Amendment*

- 2 (1) If the court by which a probation order was made, or the appropriate court is satisfied that the probationer proposes to change or has changed his residence from the area of a local authority named in the order to another area of a local authority, the court may, and if application is made in that behalf by the officer supervising the probationer shall, by order, amend the probation order by—
- (a) substituting for the area named therein that other area, and
  - (b) naming the appropriate court to which all the powers of the court by which the order was made shall be transferred and shall require the local authority for that other area to arrange for the probationer to be under the supervision of an officer of that authority.

- (2) The court to be named as the appropriate court in any amendment of a probation order in pursuance of the last foregoing sub-paragraph shall be a court exercising jurisdiction in the place where the probationer resides or is to reside and shall be a sheriff court or district court according to whether the probation order was made by a sheriff court or district court:

Provided that—

- (i) if there is no district court exercising jurisdiction in the said place the court to be so named shall be the sheriff court; and
  - (ii) if the probation order contains requirements which in the opinion of the court cannot be complied with unless the probationer continues to reside in the local authority area named in the order, the court shall not amend the order as aforesaid, unless in accordance with the following provisions of this Schedule, it cancels those requirements or substitutes therefor other requirements which can be so complied with.
- (3) Where a probation order is amended under this paragraph, the clerk of the court amending it shall send to the clerk of the appropriate court four copies of the order together with such documents and information relating to the case as the court amending the order considers likely to be of assistance to the appropriate court, and the clerk of that court shall send one copy of the probation order to the local authority of the substituted local authority area and two copies to the officer supervising the probationer one of which the supervising officer shall give to the probationer.
- (4) The foregoing provisions of this paragraph shall, in a case where the probation order was made by the High Court, have effect subject to the following modifications—
- (a) the court shall not name an appropriate court, but may substitute for the local authority named in the order, the local authority for the area in which the probationer is to reside ;
  - (b) the Clerk of Justiciary shall send to the director of social work of that area in which the probationer is to reside three copies of the amending order together with such documents and information relating to the case as is likely to be of assistance to the director, and the director shall send two copies of the amending order to the officer supervising the probationer, one of which the supervising officer shall give to the probationer.

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- 3 Without prejudice to the provisions of the last foregoing paragraph, the court by which a probation order was made or the appropriate court may, upon application made by the officer supervising the probationer or by the probationer, by order amend a probation order by cancelling any of the requirements thereof or by inserting therein (either in addition to or in substitution for any such requirement) any requirement which could be included in the order if it were then being made by that court in accordance with the provisions of sections 183, 184, 384 and 385 of this Act:

Provided that—

- (a) the court shall not amend a probation order by reducing the probation period, or by extending that period beyond the end of three years from the date of the original order;
- (b) the court shall not so amend a probation order that the probationer is thereby required to reside in any institution or place, or to submit to treatment for his mental condition, for any period or periods exceeding 12 months in all;
- (c) the court shall not amend a probation order by inserting therein a requirement that the probationer shall submit to treatment for his mental condition unless the amending order is made within three months after the date of the original order.

- 4 Where the medical practitioner by whom or under whose direction a probationer is being treated for his mental condition in pursuance of any requirement of the probation order is of opinion—

- (a) that the treatment of the probationer should be continued beyond the period specified in that behalf in the order; or
- (b) that the probationer needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of a probation order ; or
- (c) that the probationer is not susceptible to treatment; or
- (d) that the probationer does not require further treatment,

or where the practitioner is for any reason unwilling to continue to treat or direct the treatment of the probationer, he shall make a report in writing to the effect to the officer supervising the probationer and the supervising officer shall apply to the court which made the order or to the appropriate court for the variation or cancellation of the requirement.

#### *General*

- 5 Where the court which made the order or the appropriate court proposes to amend a probation order under this Schedule, otherwise than on the application of the probationer, it shall cite him to appear before the court; and the court shall not amend the probation order unless the probationer expresses his willingness to comply with the requirements of the order as amended:

Provided that this paragraph shall not apply to an order cancelling a requirement of the probation order or reducing the period of any requirement, or substituting a new area of a local authority for the area named in the probation order.

- 6 On the making of an order discharging or amending a probation order, the clerk of the court shall forthwith give copies of the discharging or amending order to the officer supervising the probationer ; and the supervising officer shall give a copy to the probationer and to the person in charge of any institution in which the probationer is or was required by the order to reside.



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## SCHEDULE 6

Section 195.

### FINES ON INDICTMENT—PAYMENT BY INSTALMENTS

- 1 Where a court imposes a fine on a person convicted on indictment such person may apply to that court for an order for payment of the fine by instalments, and where, either at the time said fine was imposed or at any subsequent time, such an order has been made, may at any time thereafter, before imprisonment has followed on the sentence, apply to that court to vary the order.
- 2 An application, other than one made at the time the fine was imposed, shall be made in the case of a fine imposed in the High Court to the Clerk of Justiciary, and in the sheriff court to the sheriff clerk of the court by which the fine was imposed ; and such application may be accompanied by a statement in writing setting forth the reasons therefor and any proposals the applicant may have for the payment of the fine by instalments or for variation of the order for payment of the fine by instalments, as the case may be.
- 3 Where an application has been made as aforesaid, the Clerk of Justiciary or sheriff clerk, as the case may be, shall lay it before any judge or the sheriff of the court which imposed the fine, either in court or in chambers; and the said judge or sheriff may dispose of the application without requiring the attendance of the accused.
- 4 The determination of any such application shall be entered in the minutes of proceedings of the trial by the clerk of court; and where an application is made to a sheriff court which is not the court having custody of the record copy indictment and such minutes, the sheriff clerk shall obtain the same from the court having custody thereof, and shall, after the application has been disposed of, return the record copy indictment and minutes to that court.

## SCHEDULE 7

Section 409.

### APPLICATION OF SUMS PAID AS PART OF FINE UNDER SECTION 409 OF THIS ACT

All sums paid under section 409 of this Act shall be handed over on receipt by the governor of the prison, as defined in the said section, to the clerk of the court in which the conviction was obtained, and thereafter paid and applied pro tanto in the same manner and for the same purposes as sums adjudged to be paid by the conviction and sentence of the court, and paid and recovered in terms thereof, are lawfully paid and applied.

## SCHEDULE 8

Section 460.

### PROVISIONS OF THIS ACT REFERRED TO IN SECTION 460(8) OF THIS ACT

The following are the provisions of this Act referred to in section 460(8) of this Act:—

section 70	section 242	section 274(4)
section 98 proviso	section 243	section 275
section 125	section 244	section 276

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section 132(2)	section 246	section 277
section 153(3)	section 248	section 278
section 156(1) to (4)	section 249	section 316
and (6)	section 250	section 317
section 157	section 251	section 318
section 203	section 253	section 319
section 217(2) and (3)	section 257	section 395(3) to (7)
section 225	section 259	section 396(3)
section 229	section 260	section 397
section 232	section 261	section 398(4) and (5)
section 233	section 264	section 400(7) and (8)
section 234	section 265	section 404
section 235	section 267	section 446(3)
section 236	section 269	Schedule 2
section 237(2) to (4)	section 270(2) to (4)	Schedule 3
section 239	section 272	Schedule 6
section 241	section 273	Schedule 7

## SCHEDULE 9

Section 461.

## AMENDMENT OF OTHER ENACTMENTS

*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 ".

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*The Interpretation Act 1889 (1889 c. 63)*

- 6 In section 13(8), at the end there shall be added the words " and shall include Part II of the Criminal Procedure (Scotland) Act 1975 and any Act amending that Part of that Act ".

*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 ".
- 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 ".

*The Magistrates' Courts Act 1952 (1952 c. 55)*

- 15 In section 72J3—
- (a) in subsection (1), for the words from " section 44 " to " Act 1954" and the words "Act of 1954" there shall be substituted respectively the words " section 403 of the Criminal Procedure (Scotland) Act 1975 " and " Act of 1975 ";
  - (b) in subsection (2), for the words "section 49(1) of the said Act of 1954 " there shall be substituted the words " section 407 of the said Act of 1975 "; and
  - (c) in subsection (3), for the words from " section 44 " to " Act 1954 " and the words " Act of 1954 " there shall be substituted respectively the words " the said section 403 " and " Act of 1975 ".

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*The Prisons (Scotland) Act 1952 (1952 c. 61)*

- 16 In section 32(2), after the words " Act of 1963 " there shall be inserted the words " and of the Criminal Procedure (Scotland) Act 1975 ".

*The Mental Health (Scotland) Act 1960 (1960 c. 61)*

- 17 In section 58(1), after the words " hospital order " there shall be inserted the words " made under section 175 or 376 of the Criminal Procedures (Scotland) Act 1975 ".
- 18 In section 58(2), after the word " order " there shall be inserted the words " made under the said section 175 or 376 ".
- 19 In section 58(4), for the words " subsection (4) of section sixty of this Act" there shall be substituted the words " section 178(3) or 379(3) of the said Act of 1975 ".
- 20 In section 59(2), for the words " said period of twenty-eight days" there shall be substituted the words " period of 28 days referred to in section 58(1) of this Act ".
- 21 In section 60(3), after the word "discharge" there shall be inserted the words " made under section 178 or 379 of the Criminal Procedure (Scotland) Act 1975 ".
- 22 In section 60(5), for the words " the last foregoing subsection " there shall be substituted the words " section 178(3) or 379(3) of the said Act of 1975 ".
- 23 In section 64(3), for the words from " subsection " to the end there shall be substituted the words " section 174(3) of the Criminal Procedure (Scotland) Act 1975 ".
- 24 In section 66(7)(a), for the words from " section 63 " to " Act 1926" there shall be substituted the words " section 174 or 255 of the Criminal Procedure (Scotland) Act 1975 ".
- 25 In section 67, in subsection (1), after the words " set out in " there shall be inserted the words " subsection (3) of", and in subsection (2), for the words " the said section sixty " there shall be substituted the words " section 178 or 379 of the Criminal Procedure (Scotland) Act 1975 ".
- 26 In section 68, in subsection (1), for the words " this Part of this Act" there shall be substituted the words " section 175, 178, 376 or 379 of the Criminal Procedure (Scotland) Act 1975 ", and in subsection (3)(a), for the words from " subsection" to " Act" there shall be substituted the words " section 175(7) or 376(10) of the said Act of 1975 ".
- 27 In section 72(3), the words " and (4) " shall be omitted, and after the word " sixty-one " there shall be inserted the words " and in section 178(3) or 379(3) of the Criminal Procedure (Scotland) Act 1975 ".
- 28 In section 111(1), in the definition of "hospital order" and " guardianship order ", for the words " section fifty-five of this Act" there shall be substituted the words " section 175 or 376 of the Criminal Procedure (Scotland) Act 1975 ".
- 29 In section 111(4), after the words "Part V of this Act" there shall be inserted the words " or under section 174, 175, 178, 375, 376 or 379 of the Criminal Procedure (Scotland) Act 1975 ", and after the words " the said Part V " there shall be inserted the words " or any of the provisions of the said sections ".

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*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 In section 2(1), in paragraph (d), after the words "Act 1963 " there shall be inserted the words " or the Criminal Procedure (Scotland) Act 1975 ".
- 32 In section 9(2), after the words " purposes of this Act" there shall be inserted the words " and of the Criminal Procedure (Scotland) Act 1975 ".
- 33 In section 10(3), after the words "this Act" there shall be inserted the words " and of the Criminal Procedure (Scotland) Act 1975 ".
- 34 In section 11(1) and in proviso (b) to section 11(2), for the words " section 7 of this Act" there shall be substituted the words " section 209 or 418 of the Criminal Procedure (Scotland) Act 1975 ".
- 35 In section 26(2), paragraph (a) shall be omitted, and for the words from ' the section " to " that Schedule " there shall be substituted the words " the sections set out in Part II of Schedule 3 to this Act ".
- 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 423(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 ".

*The Criminal Justice Act 1967 (1967 c. 80)*

- 40 In section 61(4)(a), for the words " section 57 and 57(2) of, die Children and Young Persons (Scotland) Act 1937 " there shall be substituted the words " section 206 and 206(2) of the Criminal Procedure (Scotland) Act 1975 ".
- 41 In section 62, in subsections (9) and (10), after the words " this section" there shall be inserted the words " or section 213(1) or 422(1) of the Criminal Procedure (Scotland) Act 1975 ", and in subsection (11), for the words from "or section" to "crimes)" there shall be substituted the words " (young offenders convicted of grave crimes) or section 206 of the said Act of 1975 (Punishment of person under 18), ".

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*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 ".
- 43 In section 56(5), for the words " as aforesaid " there shall be substituted the words " under section 173 or 372 or 373 of the Criminal Procedure (Scotland) Act 1975 ".
- 44 In section 57(2), for the words " the foregoing subsection " there shall be substituted the words " 373 of the Criminal Procedure (Scotland) Act 1975 ".

*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)*

- 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 ";

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- (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 ";
- (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 " section 183 or 384 ".

*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 ".

SCHEDULE 10

Section 461.

REPEALS AND REVOCATIONS

**PART I**

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
1587 c. 54.	The Jurors Act 1587.	Section 10.
1587 c. 57.	The Criminal Justice Act 1587.	Sections 10 and 11.
1672 c. 40.	The Courts Act 1672.	Section 3. Section 8. Section 10.
1693 c. 43.	The Criminal Procedure Act 1693.	The whole Act.
1701 c. 6.	The Criminal Procedure Act 1701.	The words from "Our Sovereign" to " void and null".
54 Geo. 3. c. 67.	The Justiciary Courts (Scotland) Act 1814.	Sections 1 to 4.

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Session and Chapter	Short Title	Extent of Repeal
6 Geo. 4. c. 22.	The Jurors (Scotland) Act 1825.	Sections 8 and 9. In section 14, the proviso. Sections 15 and 16. Section 17, so far as relating to criminal trials. Section 18. Section 20.
7 Geo. 4. c. 8.	The Juries (Scotland) Act 1826.	Sections 4 and 5 so far as relating to returns to criminal courts.
9 Geo. 4. c. 29.	The Circuit Courts (Scotland) Act 1828.	Section 2. Section 5. Section 7. Section 10. Section 12. Section 14. Section 17. Section 21. Section 23.
11 Geo. 4 & 1 Wm. 4. c. 37.	The Criminal Law (Scotland) Act 1830.	Section 8. Section 12.
1 & 2 Vict. c. 119.	The Sheriff Courts (Scotland) Act 1838.	Section 25.
3 & 4 Vict. c. 59.	The Evidence (Scotland) Act 1840.	Sections 1, 3 and 4 so far as relating to criminal proceedings.
11 & 12 Vict. c. 79.	The Justiciary (Scotland) Act 1848.	Section 4. Section 7. Sections 11 and 12.
15 & 16 Vict. c. 27.	The Evidence (Scotland) Act 1852.	Sections 1, 3 and 4 so far as relating to criminal proceedings.
16 & 17 Vict. c. 80.	The Sheriff Courts (Scotland) Act 1853.	Section 34.
31 & 32 Vict. c. 95.	The Court of Justiciary (Scotland) Act 1868.	Section 1. Section 10. Section 16.



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Session and Chapter	Short Title	Extent of Repeal
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act 1887.	Section 18. Sections 1 and 2. In section 3, the words from " and all indictments " to the end of the section. Sections 4 to 44. Sections 47 to 76.
51 & 52 Vict. c. 36.	The Bail (Scotland) Act 1888.	The whole Act.
61 & 62 Vict. c. 36.	The Criminal Evidence Act 1898.	The whole Act, except so far as relating to courts-martial.
7 Edw. 7. c. 51.	The Sheriff Courts (Scotland) Act 1907.	Section 4 so far as relating to criminal proceedings.
8 Edw. 7. c. 65.	The Summary Jurisdiction (Scotland) Act 1908.	Section 2. Section 10. Section 19(3) and (5). Section 30. Section 43. Sections 45 to 47. Section 77.
6 & 7 Geo. 5. c. 50.	The Larceny Act 1916.	Section 39(2) and (3).
9 & 10 Geo. 5. c. 71.	The Sex Disqualification (Removal) Act 1919.	Sections 1 and 4(2) so far as relating to criminal proceedings.
11 & 12 Geo. 5. c. 50.	The Criminal Procedure (Scotland) Act 1921.	The whole Act.
15 & 16 Geo. 5. c. 81.	The Circuit Courts and Criminal Procedure (Scotland) Act 1925.	The whole Act.
16 & 17 Geo. 5. c. 15.	The Criminal Appeal (Scotland) Act 1926.	Sections 1 to 3. In section 4(1), the first and second sentences. Sections 5 to 18.
23 & 24 Geo. 5. c. 41.	The Administration of Justice (Scotland) Act 1933.	Section 19. Section 21.
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act 1937.	Sections 24 and 25. Sections 39 to 45.

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Session and Chapter	Short Title	Extent of Repeal
3 & 4 Geo. 6. c. 42.	The Law Reform (Miscellaneous Provisions) (Scotland) Act 1940.	Section 46 so far as relating to criminal proceedings. Sections 47 to 55. Section 57(1) and (2). Section 58. Section 58A(1). Section 59(2), (3) and (4). Section 63. Section 67. Section 103. Schedule 1. Section 8.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	Part I, except sections 21 and 42. Section 67. Section 79(2). Schedule 2. In Schedule 11, the entries relating to the Criminal Procedure (Scotland) Act 1887 and the Children and Young Persons (Scotland) Act 1937 (other than section 62 thereof).
2 & 3 Eliz. 2. c. 48.	The Summary Jurisdiction (Scotland) Act 1954.	Sections 1 to 73. In section 74, in subsection (1), the first sentence, and subsection (2). Section 75. Section 76(1)(a), (b) and (c). Section 77, except for the definition of " High Court". Section 78. Schedule 1. Schedule 4.
8 & 9 Eliz. 2. c. 23.	The First Offenders (Scotland) Act 1960.	The whole Act.

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Session and Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act 1960.	Sections 54 and 55. Section 57(1) to (4). Section 59(1). Section 60(1), (2) and (4). Sections 62 and 63. Section 96(5). In Schedule 4, the entry relating to the Criminal Justice (Scotland) Act 1949.
1963 c. 37.	The Children and Young Persons Act 1963.	In section 57, subsection (2) and, in subsection (4), the words " and 54 ".
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	Section 1. Section 2(2). Section 3. Sections 6 to 8. Section 13. Sections 16 and 17. Sections 23 to 25. Section 26(1). Sections 27 to 47. In section 53(1), the words " sections 39 and 40 ". In section 53(3), the words " section 38 ". In Schedule 1, paragraphs 4 to 10. In Schedule 3, Part I. In Schedule 5, the entries relating to the Summary Jurisdiction (Scotland) Act 1954 and the First Offenders (Scotland) Act 1960.
1965 c. 39.	The Criminal Procedure (Scotland) Act 1965.	The whole Act.
1965 c. 71.	The Murder (Abolition of Death Penalty) Act 1965.	Section 1(1), (2), (3) and (5) except so far as relating to courts-martial.

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Session and Chapter	Short Title	Extent of Repeal
1966 c. 19.	The Law Reform (Miscellaneous Provisions) (Scotland) Act 1966.	Section 9.
1967 c. 80.	The Criminal Justice Act 1967.	Section 48(1). Section 54(6) and (8). Section 62(8). Section 64(2)(c). Section 68. Section 72(1) to (4). Section 93(3). In Schedule 6, paragraph 21.
1968 c. 49.	The Social Work (Scotland) Act 1968.	Section 56, except subsection (5). Section 57(1). In Schedule 2, in Part I, in paragraph 2, the words " (except in section 54)". In Schedule 2, Part II, except in paragraph 16, section 58A (2) and (3) of the Children and Young Persons (Scotland) Act 1937, and paragraphs 7 and 18. In Schedule 8, paragraphs 1, 22 to 31, 55, 56 and 69 to 72.
1969 c. 54.	The Children and Young Persons Act 1969.	In Schedule 5, paragraphs 25, 26, 67 and 68. In Schedule 5, in paragraph 65(2), the words " and 13 ".
1972 c. 71.	The Criminal Justice Act 1972.	Section 23.
1973 c. 62.	The Powers of Criminal Courts Act 1973.	In section 53, the words from " or under " to " 1949 ". In section 58(a), the word "53". In Schedule 5, paragraphs 3, 8, 11, 18 and 19.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 27, paragraphs 6, 7 and 15.

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## PART II

### ACTS OF ADJOURNAL REVOKED

Year and date or number	Title	Extent of revocation
1815 (June 26).	Act of Adjournal—High Court (Scotland) Fines and Forfeited Penalties—1815 (June 26).	The words from " all fines imposed" (where those words first occur) to " otherwise disposed of".
1817 (Sep. 9).	Act of Adjournal—Swearing the same Assize on different trials— 1817 (Sep. 9).	The whole Act.
1821 (July 9).	Act of Adjournal—Doubles of Indictments and Criminal Letters— 1821 (July 9).	The whole Act.
1849 (Aug. 1).	Act of Adjournal—Procedure and Records in the High Court—1849 (Aug. 1).	Sections III and V.
1879 (Feb. 22).	Act of Adjournal—Sentences of	The whole Act.
1887 (Nov. 3).	Imprisonment—1879 (Feb. 22). Act of Adjournal—Summoning of Jurors and Report under Public Record (Scotland) Act 1809— 1887 (Nov. 3).	Section (3).
1900 (Mar. 20).	Act of Adjournal—Fine or Imprisonment (Scotland and Ireland) Act 1899—1900 (Mar. 20).	The whole Act.
1909 (Mar. 20).	Act of Adjournal—Appeals under section 63 of the Summary Jurisdiction (Scotland) Act 1908— 1909 (Mar. 20).	The whole Act.
<a href="#">1920 No. 2462.</a>	Act of Adjournal—Return of Jurors for Sittings of High Court at Edinburgh— <a href="#">1920 No. 2462.</a>	The whole Act.
<a href="#">1921 No. 167.</a>	Act of Adjournal—Sex Disqualification (Removal) Act 1919 and Jurors (Enrolment of Women) (Scotland) Act 1920—1921 No.	The whole Act.
<a href="#">1925 No. 366.</a>	Act of Adjournal—Absent Jurors, Application and	The whole Act.

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Year and date or number	Title	Extent of revocation
	Remissions of Fines— <a href="#">1925 No. 366</a> .	
<a href="#">1926 No. 1373</a> .	Act of Adjournal—Criminal Appeal (Scotland) Act 1926— <a href="#">1926 No. 1373</a> .	The whole Act, except section 19(b) and the Schedule.
1935 (Mar. 22).	Act of Adjournal—Shorthand Notes at Criminal Trials—1935 (Mar. 22).	The whole Act.
<a href="#">1936 No. 1151</a> .	Act of Adjournal—Verdicts and Sentences— <a href="#">1936 No. 1151</a> .	The whole Act.
1950 (June 15).	Act of Adjournal Fines on Indictments (Payment by Instalments) 1950 (1950 (June 15)).	The whole Act.
<a href="#">S.I. 1964/249</a> .	Act of Adjournal (Summary Procedure) 1964 ( <a href="#">1964 No. 249</a> ).	The whole Act, except sections 13 and 14 and the Schedule.
<a href="#">S.I. 1966/694</a> .	Act of Adjournal (Procedure in Criminal Trials Amendment) 1966 ( <a href="#">1966 No. 694</a> ).	The whole Act.