



Criminal Justice (Scotland) Act 1980

CHAPTER 62

CRIMINAL JUSTICE (SCOTLAND) ACT 1980

PART I

POLICE POWERS

- 1 Suspect or potential witness may be required by constable to identify himself
- 2 Detention and questioning at police station
- 3 Right to have someone informed when arrested or detained
- 4 Search for offensive weapons
- 5 Constable may take drunken person to designated place

PART II

PROCEDURE AND EVIDENCE

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- 6 Judicial examination
- 7 Jurisdiction of district courts
- 8 Trial on indictment of summary offences
- 9 Citation of defence witness for precognition
- 10 Identification parades
- 11 Discharge and assignation of diets in summary procedure
- 12 Abolition of mandatory first diet in solemn procedure
- 13 Written notice of evidence incriminating co-accused in solemn procedure
- 14 Prevention of delay in trials
- 15 Intermediate diet in summary procedure
- 16 Procedure where accused desires to plead guilty under solemn procedure

- 17 Failure of accused to attend diet in summary procedure
- 18 Desertion of trial diet
- 19 No case to answer
- 20 Correction of entries
- 21 Trial may proceed in accused's absence if he misconducts himself
- 22 Restrictions on report of proceedings involving person under 16
- 23 Peremptory challenge of jurors
- 24 Seclusion of jury after retiral
- 25 Interpretation of 1975 Act

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- 26 Routine evidence
- 27 Parties may examine each other's witnesses etc.
- 28 Co-accused competent witness for defence
- 29 Spouse to be competent witness
- 30 Additional evidence and evidence in replication
- 31 Offences in connection with lights, reflectors, obstruction, etc., to be provable by one witness
- 32 Evidence by letter of request or on commission

Appeals

- 33 Solemn appeals
- 34 Summary appeals
- 35 Prosecution appeal by bill of advocacy
- 36 Appeals from decisions on competency and relevancy in summary proceedings
- 37 Lord Advocate's reference

Miscellaneous

- 38 Summary trial of wilful fire-raising
- 39 Procedure and evidence in trials for treason

PART III

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- 40 Previous conviction deemed to be admitted
- 41 Restriction on passing sentence of imprisonment or detention on person not legally represented
- 42 Restriction on passing sentence of imprisonment on person not previously so dealt with
- 43 Punishment for murder
- 44 Detention and release on licence of children convicted on indictment
- 45 Detention of young offenders
- 46 Increase of certain penalties and other sums
- 47 Application to solemn procedure of summary procedure provisions relating to fines
- 48 Enforcement of High Court fine by sheriff
- 49 Power to remit fines
- 50 Maximum period of imprisonment for non-payment of fine in summary proceedings

- 51 Execution in different parts of United Kingdom of warrants for imprisonment for non payment of fine
- 52 Recovery of fine or caution by civil diligence
- 53 Availability of probation after deferred sentence
- 54 Dealing with person who commits further offence while sentence is deferred
- 55 Disqualification and endorsement where orders for probation or for absolute discharge are made
- 56 Penalties for drunkenness
- 57 Penalty for second conviction of assault on constable

PART IV

COMPENSATION BY OFFENDERS

- 58 Compensation order against convicted person
- 59 Amount of compensation order
- 60 Payment under compensation order
- 61 Guidance as to whether compensation order or fine should be preferred
- 62 Precedence of compensation order over fine
- 63 Appeal as regards compensation order
- 64 Review of compensation order
- 65 Acts of adjournal
- 66 Application of provisions relating to fines to enforcement of compensation orders
- 67 Effect of compensation order on subsequent award of damages in civil proceedings

PART V

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- 68 Designation of sports grounds and sporting events
- 69 Alcohol on vehicle travelling to or from sporting event
- 70 Liability of vehicle operator and his employees and agents
- 71 Defences in connection with carriage of alcohol
- 72 Possession of container at sporting event
- 73 Possession of alcohol at sporting event
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- 75 Police powers of enforcement
- 76 Presumption as to contents of container
- 77 Interpretation of Part V

PART VI

MISCELLANEOUS AND GENERAL

- 78 Vandalism
- 79 Grants in respect of hostel accommodation for persons under supervision
- 80 Homosexual offences
- 81 Interpretation etc.
- 82 Financial provisions
- 83 Transitional provisions, consequential amendments and repeals
- 84 Short title, commencement and extent

Status: This is the original version (as it was originally enacted).

SCHEDULES

SCHEDULE 1 — Certificates as to proof of certain routine matters

SCHEDULE 2 — Solemn Appeals

SCHEDULE 3 — Summary Appeals

SCHEDULE 4 — Abolition of Mandatory First Diet

SCHEDULE 5 — Young Offenders

SCHEDULE 6 — Transitional Provisions

- 1 A provision contained in any of sections 6, 12 to...
- 2 A provision contained in any of sections 18(2), 19, 21,...
- 3 A provision contained in any of sections 47, 48, 50...
- 4 A provision contained in any of sections 46(1)(a), (c) and...
- 5 A person serving a sentence of borstal training on the...
- 6 Sections 33, 35 and 37 of, and Schedule 2 to,...
- 7 Section 34 of, and Schedule 3 to, this Act shall...
- 8 A provision contained in paragraph 24 of Schedule 7 to...
- 9 In the application of section 66 of this Act to...
- 10 In the application of section 38A of the Criminal Law...

SCHEDULE 7 — Minor and Consequential Amendments

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

- 1 In section 14 (legalised police cells), after subsection (7), there...
- 2 In section 28(2) (discontinuance of prison) for the words "...
- 3 In section 31 (remand centres, etc.)— (a) in subsection (1)—...
- 4 In section 34 (temporary detention) for the words " Borstal...
- 5 In section 35 (rules for the management of prisons and...
- 6 In section 37 (persons unlawfully at large)—

The Criminal Justice Act 1961 (c. 39)

- 7 In section 26 (transfer to serve sentence)—
- 8 In section 29(1) (removal for judicial purposes) after the words...
- 9 In section 30(3) (prisoners unlawfully at large) after the words...
- 10 In section 32(2) (extension throughout the United Kingdom of certain...
- 11 In section 38 (construction of references to sentence of imprisonment)
—...
- 12 In section 39(1) (interpretation)— (a) in paragraph (a) of the...

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

- 13 In section 9(4)(a) (transfer between institutions), after the words "...
- 14 In section 50(2) (general provision as to orders), for the...
- 15 In section 51 (interpretation)— (a) in subsection (2), for the...

The Legal Aid (Scotland) Act 1967 (c.43)

- 16 In section 1 (scope and general conditions of legal aid),...

The Criminal Justice Act 1967 (c.80)

- 17 In section 60(8X6) (release on licence), for the words "in...
- 18 In section 61 (release on licence of persons sentenced to...
- 19 In section 62 (revocation of licences, etc.)—
- 20 In section 64(2)(a) (conditions in licences of persons transferred from...

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

- 21 In section 42 (conduct of children's hearing and application to...

The Road Traffic Act 1972 (c.20)

- 22 In section 10(4) (evidence by certificate)— (a) after the word...
- 23 In section 94(3), for the word " conviction " there...

The Rehabilitation of Offenders Act 1974 (c. 53)

- 24 In section 5 (rehabilitation periods for particular sentences)—

The Criminal Procedure (Scotland) Act 1975 (c.21)

- 25 In section 19(1) (prisoners before examination to have access to...
- 26 At the end of section 28 (admission or refusal of...
- 27 In section 71 (manner of service of indictment, etc.), for...
- 28 In section 81 (examination by prosecutor of witnesses not included...
- 29 In section 98 (jurors to be cited by registered letter...
- 30 In section 100(2) (rules of court in relation to jurors)...
- 31 After section 111 there shall be inserted the following section—...
- 32 In the proviso to section 113(4) (judges in High Court),...
- 33 In section 141(1) (accused and spouse competent witnesses for defence),...
- 34 In section 168 (power of court, m respect of certain...
- 35 In section 173(3) (reference and remit of children's cases by...
- 36 In section 179 (power of court, in solemn proceedings, to...
- 37 In section 193A (fines on conviction on indictment to be...
- 38 In section 212 (recall to young offenders institution on reconviction),...
- 39 For section 215 (legal custody) there shall be substituted the...
- 40 In section 218 (consideration of time spent in custody), the...
- 41 In section 241 (notice to authorities, etc. of date of...
- 42 In section 242 (notice to Prison Commissioners of attendance of...
- 43 In section 243 (warders to attend court), for the words...
- 44 In section 251(5) (appeal against refusal of application), for the...
- 45 In section 261 (notice of determination of appeal), for the...
- 46 In section 268(4) (reckoning of time spent pending appeal) for...
- 47 In section 282 (Acts of Adjournal), the existing words shall...
- 48 In section 283(1) (application of Part II of this Act)—...
- 49 In section 283A(1) (offences which are to become triable only...
- 50 In section 289D (power to alter sums specified in certain...
- 51 At the end of section 298 (all offences to be...
- 52 In section 305 (intimation to solicitor)— (a) for the word...
- 53 In section 310 (incidental applications), after the words "prior to"...
- 54 In section 334 (procedure at first diet, etc.)—
- 55 In section 344(4)(a) (failure of witness to attend for precognition)...

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- 56 In section 346(1) (accused and spouse competent witnesses for defence),...
- 57 In section 364 (power of court, in respect of certain...
- 58 In section 370 (child charged jointly with person who is...
- 59 In section 380 (power of court, in summary proceedings, to...
- 60 In section 395(2) (provisions as to fines), for the words...
- 61 In section 398(1) (restriction on imprisonment after fine or caution),...
- 62 In section 399 (payment of fine by instalments)—
- 63 At the end of section 401 (supplementary provisions as to...
- 64 In section 407(3) (period of imprisonment for non-payment of fine)...
- 65 In section 409(1) (payment of fine in part by prisoner),...
- 66 In section 411(1) (recovery by civil diligence), for die words...
- 67 In section 421(1) (recall to young offenders institution on reconviction)
—...
- 68 In section 424 (detention in precincts of court), after the...
- 69 For section 426 (legal custody) there shall be substituted the...
- 70 In section 431 (consideration of time spent in custody), the...
- 71 For section 436 (forfeiture of implements) there shall be substituted...
- 72 In section 457 (Acts of Adjournal), at the end there...
- 73 In section 458 (construction of enactments referring to sentence of...
- 74 In section 459 (construction of enactments referring to detention) for...
- 75 In section 460 (transitional provisions and savings) subsection (6),
which...
- 76 In section 462(1) (interpretation)— (a) at the appropriate place there...
- 77 In section 463 (extent) after subsection (1) there shall be...
- 78 In Schedule 3 (composition of juries)— (a) in paragraph 2—...

The Criminal Law Act 1977 (c. 45)

- 79 In section 39(3) (service of summonses and citations throughout the...

SCHEDULE 8 — Repeals