

## SCHEDULES

### SCHEDULE 1

Section 70(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Juries Act 1949 (c. 27)*

- 1 In paragraph (b) of section 25(1), for the words "on circuit" there shall be substituted the words "other than at Edinburgh".

##### *The Judicial Offices (Salaries etc.) Act 1952 (c. 12)*

- 2 In section 2(1), for the words "circuit court expenses" there shall be substituted the words "expenses in connection with sittings of the High Court of Justiciary outwith Edinburgh".

##### *The Road Traffic Act 1972 (c. 20)*

- 3 In section 101 (endorsement of licences) for subsection (8) there shall be substituted the following subsections—

“(8) Notwithstanding sections 311(5) and 357(1) of the Criminal Procedure (Scotland) Act 1975 (requirements as to notices of penalty and previous convictions), where a person is convicted in Scotland of an offence involving obligatory endorsement—

- (a) where his licence is produced to the court, subsection (4A) above shall apply;
- (b) where no such licence is produced, subject to subsection (8B) below, subsection (8A) below shall apply.

(8A) Where this subsection applies, it shall be competent for the court in determining what order to make in pursuance of such conviction as is mentioned in subsection (8) above to take into consideration particulars of—

- (a) any previous conviction or disqualification pertaining to the person; and
- (b) any penalty points ordered to be endorsed on any licence held by the person which have to be taken into account under section 19(3) of the Transport Act 1981,

specified in a document purporting to be a note of information contained in the driver licensing records maintained by the Secretary of State in connection with his functions under this Part of this Act.

(8B) Where the prosecutor decides to put before the court a document such as is mentioned in subsection (8A) above—

- (a) if a plea of guilty is tendered, or if, after a plea of not guilty, the accused is convicted the prosecutor shall lay the document before the court and the court or the clerk of court shall ask the accused if

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he admits the accuracy of the particulars relating to him contained in the document and if such admission is made it shall be entered in the record of the proceedings;

- (b) it shall not be necessary for the prosecutor to produce evidence of the particulars so admitted; and
- (c) where the accused does not admit the accuracy of any such particular, the prosecutor unless he withdraws the particular shall adduce evidence in proof thereof either then or at any other diet.”.

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

- 4 In section 5(1) (crimes committed in different districts)—
  - (a) for the words "a court to be held in" there shall be substituted the words "the sheriff court of; and
  - (b) the words ", whether that court is the High Court or the sheriff court" shall be omitted.
- 5 In section 86 (selection of jurors)—
  - (a) for the words "The High Court may by Act of Adjournal specify" there shall be substituted the words "The Lord Justice General, whom failing the Lord Justice Clerk, may give directions as to"; and
  - (b) for the words "in that court to be held in Edinburgh" there shall be substituted the words "to be held in the High Court", and the section as amended shall be subsection (1); and there shall be added the following new subsection—
    - “(2) Where a sitting of the High Court is to be held at a town in which the High Court does not usually sit, the jury summoned to try any case in such a sitting shall be summoned from the general jury roll of the sheriff court district in which the town is situated.”.
- 6 In section 113(2) (difference as to rotation of judges) at the end there shall be added the words "whom failing by the Lord Justice Clerk".
- 7 In section 129 (balloting of jurors), after the word "aside," there shall be inserted the words "or shall, before any evidence is led, be excused".
- 8 In each of sections 141(3) and 346(3) (which permit the prosecutor or an accused to call a co-accused as a witness)—
  - (a) after the words "guilty to " there shall be inserted the words "or been acquitted of;
  - (b) after the words "whether or not" there shall be inserted the words ", in a case where the co-accused has pleaded guilty to any charge,"; and
  - (c) after the word "sentenced)" there shall be inserted the words "or in respect of whom the diet has been deserted".
- 9 In section 149(1) (calling additional evidence)—
  - (a) for the words "after the close of that party's evidence and" there shall be substituted the words "at any time"; and
  - (b) in paragraph (b) for the words "party's evidence was closed" there shall be substituted the words "jury was sworn".
- 10 In each of sections 183(1) and 384(1) (probation orders)—

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- (a) after the word "offender" where it first occurs there shall be inserted the words "and having obtained a report as to the circumstances and character of the offender"; and
  - (b) for the word "one" there shall be substituted the words "six months".
- 11 In section 212(1) (recall to young offenders institution on reconviction)—
  - (a) the words "in a" shall be omitted; and
  - (b) for the words "an institution" there shall be substituted the word "detention".
- 12 In each of sections 215 and 426 (detention etc. deemed to be legal custody) for the words "Part I of the Criminal Justice (Scotland) Act 1980" there shall be substituted the words "any other enactment or any subordinate instrument".
- 13 (1) In section 245(1) (quorum and sitting of the High Court in appeals), for the words "or other proceeding under this Part of this Act" there shall be substituted the words "under this Part of this Act or any proceeding connected therewith".  
(2) In section 246 (arrangement of appeal sittings), after the words "section 247 of this Act)" there shall be inserted the words "for the purposes of hearing and determining any appeal under this Part of this Act or any proceeding connected therewith".
- 14 (1) In section 268 (reckoning of time spent in custody pending appeal), for subsection (1) there shall be substituted the following subsection—
  - “(1) Subject to subsection (2) below, where an appellant is admitted to bail under section 238 of this Act the period beginning with the date of his admission to bail and ending on the date of his readmission to prison in consequence of the determination or abandonment of his appeal shall not be reckoned as part of any term of imprisonment under this sentence.”.
- (2) In subsection (2) of that section, after the word "appeal" there shall be inserted the words ", including any period spent in custody in consequence of the recall of his bail,".
- (3) For subsection (3) of that section there shall be substituted the following subsection—
  - “(3) Subject to any direction which the High Court may give to the contrary, imprisonment of an appellant—
    - (a) who is in custody in consequence of the conviction or sentence appealed against shall be deemed to run as from the date on which the sentence was passed;
    - (b) who is in custody other than in consequence of such conviction or sentence shall be deemed to run or to be resumed as from the date on which his appeal was determined or abandoned;
    - (c) who is not in custody shall be deemed to run or to be resumed as from the date on which he is received into prison under the sentence.”.
- 15 In section 289B—
  - (a) in subsection (7) for the words "Subsection (4) above" there shall be substituted the words "Section 289GA(1) of this Act"; and
  - (b) in subsection (8) for the words "subsection (4) above" there shall be substituted the words "section 289GA(1) of this Act".

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*The Criminal Justice (Scotland) Act 1980 (c. 62)*

- 16 In section 2 (police detention)—
- (a) in subsection (2), the word "or" at the end of paragraph (a) shall be omitted and there shall be inserted the following new paragraph—
    - “(aa) when he is detained in pursuance of any other enactment or subordinate instrument; or”;
  - (b) in that subsection, for the words "for a period of six hours, he shall be informed immediately upon expiry of this period" there shall be substituted the words "he shall be informed immediately upon the termination of his detention in accordance with this subsection"; and
  - (c) after subsection (3) there shall be inserted the following new subsection—
    - “(3A) Where a person has previously been detained in pursuance of any other enactment or subordinate instrument, he may not be detained under subsection (1) above on the same grounds or on grounds arising from the same circumstances as those which led to his earlier detention.”.
- 17 In paragraph (b)(ii) of section 41(2) (construction of "detention" in England and Wales), after the words "England and Wales," there shall be inserted the words "a sentence of youth custody,".
- 18 (1) In Schedule 1 (certificates as to proof of certain routine matters), as the first entry there shall be inserted—

“The [Wireless Telegraphy Act 1949 \(c.54\)](#). Section 1 in so far as it relates to the installation or use of apparatus designed for the purpose of receiving and exhibiting television programmes broadcast for general reception.

A person authorised to do so by the Secretary of State.

In relation to an address specified in the certificate, whether on a date so specified any television receiving licence (within the meaning of the [Wireless Telegraphy \(Broadcast Licence Charges and Exemption\) Regulations 1984](#)) was, in records maintained on behalf of the Secretary of State in relation to such licences, recorded as being in force; and, if so, particulars so specified of such record of that licence.”.

- (2) In that Schedule, in the entry relating to the [Misuse of Drugs Act 1971](#), in column 3 (matters which may be certified) the word "and" shall be omitted and after the word "classification" there shall be inserted the words "purity, weight and description".

*The Contempt of Court Act 1981 (c. 49)*

- 19 (1) In section 15 (penalties for contempt of court in Scottish proceedings) after subsection (5) there shall be inserted the following subsection—
- “(6) For the purposes of section 60 of the [Criminal Justice Act 1967](#) (release on licence of prisoners serving determinate sentences) a penalty of a period of

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imprisonment imposed for contempt of court shall be treated as a sentence of imprisonment within the meaning of that Act.”.

- (2) Section 15, as amended, shall have effect as regards any penalty imposed before as well as after the coming into force of this paragraph.

## SCHEDULE 2

Section 70(2).

### REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
8 Anne c. 16.	The Circuit Courts (Scotland) Act 1709.	The whole Act.
20 Geo. 2 c. 43.	The Heritable Jurisdiction (Scotland) Act 1746.	Sections 32 to 34. Sections 36 and 37. Section 40.
9 Geo. 4 c. 29.	The Circuit Courts (Scotland) Act 1828.	Section 15. Section 24.
11 & 12 Vict. c. 79.	The Justiciary (Scotland) Act 1848.	Section 5.
61 & 62 Vict. c. 40.	The Circuit Clerks (Scotland) Act 1898.	The whole Act.
1 Edw 8 and 1 Geo 6. c. 37.	The Children and Young Persons (Scotland) Act 1937.	Section 58A.
1968 c. 49.	The Social Work (Scotland) Act 1968.	In Schedule 2, paragraph 16.
1972 c. 20.	The Road Traffic Act 1972.	In Schedule 4, Part I in the entry relating to section 1, the words "or, in the case of a conviction by a court in Scotland other than the High Court of Justiciary, 2 years."
1974 c. 50.	The Road Traffic Act 1974.	In Schedule 3, paragraph 10(4).
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In section 5(1), the words " whether that court is the High Court or the sheriff court". Sections 87 and 88. In section 113, subsection (3) and in the proviso to subsection (4) the words "in Edinburgh or on circuit". Sections 115 to 119.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 193B.
		In section 263(2), the words ", or on any point arising on the case,".
		Section 289B(3) and (4).
		In section 289D, in subsection (1A), paragraphs (f) and (g); subsections (2) and (3); and in subsection (4) the words "or (2)".
		Section 300(5).
1976 c. 67.	The Sexual Offences (Scotland) Act 1976.	In section 2D(5), in paragraph (a) the words "in the High Court of Justiciary"; and paragraph (b).
1978 c. 49.	The Community Service by Offenders (Scotland) Act 1978.	In section 7, paragraph (c).
1985 c. 73.	The Law Reform (Miscellaneous Provisions) (Scotland) Act 1985.	Section 39.
1986 c. 32.	The Drug Trafficking Offences Act 1986.	In each of sections 13(1), 15(2), 16(2) and 17(2) the words "or on the Court of Session by sections 20 to 22 of this Act".
		Sections 20 to 23.
		In section 27, in subsection (1), the words "or, in Scotland, the procurator fiscal" and "or, in Scotland, the sheriff"; in each of subsections (2) and (3) the words, "or, as the case may be, the sheriff"; in subsection (5), the words "or, in Scotland, the procurator fiscal"; and in subsection (6), the words "or, as respects Scotland, rules of court".
		In section 28, in subsection (1), the words "or, in Scotland, the procurator fiscal" and "or, in Scotland, the sheriff"; and in subsection (2), the words

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		"or, as the case may be, the sheriff". Section 29(3). In section 33(2), the word "or" at the end of paragraph (b). In section 40(4), paragraph (a); in paragraph (b), the references to section 7(3), to section 8(8) and (9), to section 13, to section 24(3)(a) and to sections 27 to 29; and paragraph (c).