

*Changes to legislation:* There are currently no known outstanding effects for the  
Criminal Justice (Scotland) Act 1995, Part I. (See end of Document for details)

## SCHEDULES

### <sup>F1</sup>SCHEDULE 7

#### REPEALS

##### Textual Amendments

- F1** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. II paras. 16(3), 17, **Sch. 5**; the repeal having effect in relation to s. 20(3)(5) on 1.4.1997 by virtue of 1995 c. 40, ss. 4, 6, Sch. 3 Pt. II para. 17, **Sch. 5**; 1995 c. 36, s. 105(4), **Sch. 4 para. 60**; S.I. 1996/3201, **art. 3(7)** and in relation to s. 66 on 1.8.1997 by virtue of 1997 c. 48, s. 62(1)(2), Sch. 1 para. 16, **Sch. 3**; S.I. 1997/1712, art. 3, **Sch.**

### <sup>F1</sup>PART I

#### REPEALS RELATING TO PART I

##### Textual Amendments

- F1** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. II paras. 16(3), 17, **Sch. 5**; the repeal having effect in relation to s. 20(3)(5) on 1.4.1997 by virtue of 1995 c. 40, ss. 4, 6, Sch. 3 Pt. II para. 17, **Sch. 5**; 1995 c. 36, s. 105(4), **Sch. 4 para. 60**; S.I. 1996/3201, **art. 3(7)** and in relation to s. 66 on 1.8.1997 by virtue of 1997 c. 48, s. 62(1)(2), Sch. 1 para. 16, **Sch. 3**; S.I. 1997/1712, art. 3, **Sch.**

##### Commencement Information

- II** **Sch. 7 Pt. I** wholly in force at 31.3.1996; **Sch. 7 Pt. I** not in force at Royal Assent see s. 118(2); **Sch. 7 Pt. I** in force for certain purposes at 26.9.1995 by S.I. 1995/2295, art. 3(2), **Sch.**; **Sch. 7 Pt. I** in force at 31.3.1996 insofar as not already in force by S.I. 1996/517, **art. 3(2)**

| Chapter    | Short title                                 | Extent of repeal   |
|------------|---|--|
| 1887 c.35. | The Criminal Procedure (Scotland) Act 1887. | Section 3.<br><br>Schedule D.<br>Schedule E.<br>Schedule N.<br>Schedule O. |
| 1949 c.94. | The Criminal Justice (Scotland) Act 1949.   | Schedule 7.  |

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| 1954 c.48. | The Summary Jurisdiction (Scotland) Act 1954. | In Schedule 2, Parts I and III to VI.<br>Schedule 3.   |
| 1967 c.80. | The Criminal Justice Act 1967.                | In section 69(2), the words “, section 40 of the Prisons (Scotland) Act 1989”.   |
| 1975 c.21. | The Criminal Procedure (Scotland) Act 1975.   | Section 14(3).<br><br>Section 20(2).<br>In section 26(3), the words “or justice”.<br><br>In section 33, in subsection (1), the words from “or where” to “application,”; and in subsection (2), the words “by telegraph”.<br><br>Section 62.<br><br>In section 68, in each of subsections (2) and (4), the words “of Form No.1 of Schedule 7 to the Criminal Justice (Scotland) Act 1949 or in the form”.<br><br>In section 69, the words from “and” in the third place where it occurs to “Act” in the fourth place where it occurs, and the words from “The executions” to the end.<br><br>In section 73(1), the words from “, unless” to the end.<br><br>In section 100, in subsection (1), the words from “but” to the end; and subsections (2) and (3).<br><br>Section 110.<br><br>In section 124, the proviso.<br><br>In section 127(2), the words “Schedule N to the Criminal Procedure (Scotland) Act 1887 or in”.<br><br>Section 130(1) to (3).<br><br>Section 132(2). |

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In section 140A(1)(b), the words “were the offence charged the only offence so charged”.

Section 141(1)(b).

Section 144.

Section 145(4).

Section 146.

In section 150(1), the words “, where the accused is legally represented,”.

In section 153, subsection (1) and, in subsection (3)(b)(ii), the words from “(as” to the end.

In section 156, in subsection (1)(b), the words from “, as” to the end; and subsections (4) and (5).

In section 157, in subsection (1), the words “through his counsel”, “in which the panel has pleaded guilty under section 102 of this Act” and “(other than a trial for murder)”; and subsection (2).

Section 159(1) and (3).

Section 160(3).

Section 163.

In section 174, subsections (3) and (4).

In section 178(1), the words “either” and “or during such period as may be specified in the order”.

In section 183, in subsection (5A)(a), the words “has committed an offence punishable by imprisonment and”; and in subsection (7) the words “to the probationer”.

In section 186(1), the words “on oath”.

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Section 190.

In section 191(4), the words “placed on probation or” and “probation order or”.

In section 192, the words from “(other than” to “Act)” and the proviso.

In section 196(1), the proviso.

Section 225.

Section 226.

Section 227.

In section 235, the words from “but in regard” to the end.

Section 236C.

Section 237.

In section 238, in subsection (2), the words “or of any application for leave to appeal” and, in paragraphs (a) (i) and (b)(i), the words “or application”.

In section 239, in subsection (1), the words from “and” in the second place where it occurs to the end; and subsection (2).

In section 240, the words from “except” where it first occurs to the end.

Section 246.

Section 256.

Section 259.

Section 265(3) and (5).

In section 270, in subsection (2) the words from “(or any” to “note of appeal)” where first occurring and from “(or in the case” to “note of appeal)” where second occurring; in subsection (3), the words from “(or in the case” to

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“note of appeal”); and in subsection (4), the words from “(or in the case” to “note of appeal”.

Section 272.

Section 273.

Section 276.

In section 277, in subsection (2), the words “section 236C”, “section 237”, “section 246”, “section 259”, “section 272” and “section 273”.

Section 282.

Section 289D(1A)(d).

In section 296, in subsections (1) and (2), the words “sitting summarily” in each place where they occur.

In section 300(4), the words from “, or where” to “96 hours,”.

In section 309(1), the words “Schedule 2 to the Summary Jurisdiction (Scotland) Act 1954 or in”.

In section 310, the words “Part I of Schedule 2 to the Summary Jurisdiction (Scotland) Act 1954 or in”.

In section 311, in subsection (1), the words from “in” where it first occurs to the end; and subsections (4) and (5).

Section 313.

In section 314(1)(d), the words “or interim order”.

In section 315(2), the words “Part IV of Schedule 2 to the Summary Jurisdiction (Scotland) Act 1954 or in”.

In section 318(2), the words “Part IV of Schedule 2 to the Summary Jurisdiction

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(Scotland) Act 1954 and the corresponding forms contained in”.

In section 319(1), the words “other than a witness”.

In section 321, in subsection (1), the words “Part IV of Schedule 2 to the Summary Jurisdiction (Scotland) Act 1954 or in”; and in subsection (3), the words “either by way of trial or by way of remit to another court”.

Section 323(3).

Section 331(2).

In section 335(1), the words “penalty or”.

Section 336.

In section 337A(1), the word “and” immediately following paragraph (a).

In section 344(1), the words “or to produce documents in his possession when required by the court,”.

Section 345.

Section 346(1)(b).

In section 354(1), the proviso.

Section 356(1) and (3).

In section 357, in subsection (1)(a), the words “Form No. 2 or 3 of Part III of Schedule 2 to the Summary Jurisdiction (Scotland) Act 1954 or of”; and subsection (4).

Section 360.

In section 360A, in subsection (1)(b), the words from “as” to the end; and subsection (2).

Section 366(2).

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Section 376(2).

In section 379(1), the words “either” and “or during such period as may be specified in the order”.

In section 384, in subsection (1), the words from “and”, where it first occurs, to “offence” in the third place where it occurs; in subsection (5A)(a), the words “has committed an offence punishable by imprisonment and”; in subsection (6), the words “convicted of and”; and in subsection (7) the words “to the probationer”.

In section 387(1), the words “on oath”.

Section 391.

In section 392, in subsection (4), the words “placed on probation or”; and in subsection (5), the words “placed on probation or” and “probation order or”.

In section 393, the words from “(other than” to “Act)” and the proviso.

In section 396(7), the words “, subject to any rules under this Part of this Act”.

In section 402, the proviso.

In section 406, the words “damages or expenses,”.

In section 413(1), the words from “and shall” to the end.

In section 430(1), the words “Part V of Schedule 2 to the Summary Jurisdiction (Scotland) Act 1954 or in”.

In section 432(1), the words from “and”, where it second occurs, to the end.

Section 435.

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|            |  | In section 440, the words “Part V of Schedule 2 to the Summary Jurisdiction (Scotland) Act 1954 or in”.  |
|            |  | In section 441, the words from “, although” to “place,”.   |
|            |  | In section 453(4)(a)(i), the word “and”.   |
|            |  | In section 454(1), the words “at the trial by the solicitor of the accused”.   |
|            |  | Section 457.   |
|            |  | In section 462, in subsection (1), in the definition of “prosecutor”, the words “private prosecutor,” in the second place where they occur; and subsection (10).   |
|            |  | Schedule 3.  |
| 1976 c.67. | The Sexual Offences (Scotland) Act 1976.             | In section 4(1), in the proviso, the words “on indictment”.  |
| 1980 c.62. | The Criminal Justice (Scotland) Act 1980.            | In section 26, in subsection (2), the word “summary” and the words from “In the foregoing” to the end; in subsection (4), the words from “or of a conviction” to “(8) below,”; and in subsection (5), the words “under summary procedure”. |
|            |  | In Schedule 4, paragraph 20.   |
| 1984 c.36. | The Mental Health (Scotland) Act 1984.               | In section 67(1), paragraph (a)(ii) and the preceding “or”, and the words from “or the order” to the end.  |
| 1986 c.36. | The Incest and Related Offences (Scotland) Act 1986. | In Schedule 1, paragraph 2.  |
| 1986 c.47. | The Legal Aid (Scotland) Act 1986.                   | In section 25(2), the words “the Board is satisfied”.  |
| 1988 c.53. | The Road Traffic Offenders Act 1988.                 | In section 31(2), the words “penalties and”.   |



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|            |  | In section 32(6), the words “penalties and”.   |
| 1990 c.40. | The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990. | In section 56(2), the word “and” immediately following paragraph (a).<br>In section 58, the words “cited to give evidence in a trial”.                     |
| 1993 c.9.  | The Prisoners and Criminal Proceedings (Scotland) Act 1993.    | In section 28(3), the words “or 384(1) (probation)”.   |
|            |  | In section 33(1), the words from the beginning to “and” where it first occurs.<br>In Schedule 5, paragraph 1(25)(a)(ii), (b)(i) and (c)(i), (26) and (28). |
| 1994 c.33. | The Criminal Justice and Public Order Act 1994.                | In Schedule 10, paragraph 47.]   |

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**Modifications etc. (not altering text)**

C1 Repeal in Sch. 7 Pt. I restricted (31.8.1995) by [S.I. 1995/2295](#), [art. 6](#)

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