



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART IX

#### SUMMARY PROCEEDINGS

##### *General*

#### **136 Time limit for certain offences.**

- (1) Proceedings under this Part of this Act in respect of any offence to which this section applies shall be commenced—
  - (a) within six months after the contravention occurred;
  - (b) in the case of a continuous contravention, within six months after the last date of such contravention,and it shall be competent in a prosecution of a contravention mentioned in paragraph (b) above to include the entire period during which the contravention occurred.
- (2) This section applies to any offence triable only summarily and consisting of the contravention of any enactment, unless the enactment fixes a different time limit.
- (3) For the purposes of this section proceedings shall be deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted, if the warrant is executed without undue delay.

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

- C1** S. 136 excluded (1.4.1999) by 1998 c. 39, s. 33(4); S.I. 1998/2574, art. 2(2), Sch. 2  
S. 136 excluded (3.6.1999) by S.I. 1999/1516, reg. 9(5)  
S. 136 excluded (25.10.1999) by 1973 c. 35, s. 11A(3) (as inserted (25.10.1999) by 1999 c. 26, s. 31, Sch. 7 para. 5); S.I. 1999/2830, art. 2(1), Sch. 1, Pt. I  
S. 136 excluded (16.2.2001) by 2000 c. 41, s. 151(3); S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

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- S. 136 excluded (16.3.2001 in accordance with art. 1(2)(3) of the amending S.I.) by S.I. 2001/947, **art. 16(8)**
- S. 136 excluded (10.10.2001 in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3365, **art. 10(6)**
- S. 136 excluded (25.1.2002) by S.I. 2002/111, **art. 20(9)**
- S. 136 excluded (24.10.2002) by S.I. 2002/2628, **art. 16(8)**
- S. 136 excluded (14.6.2003) by S.I. 2003/1519, **art. 20(8)**
- S. 136 excluded (13.2.2004) by S.I. 2004/348, **art. 15(8)**
- S. 136 excluded (11.2.2005) by S.I. 2005/253, **art. 9(8)**
- S. 136 excluded (7.3.2005) by S.I. 2005/281, **reg. 93**
- S. 136 excluded (1.10.2005) by S.I. 2005/1803, **reg. 41(2)**
- S. 136 excluded (20.7.2007) by S.I. 2006/3418, **reg. 54** (with savings in regs. 7-14, 63, 64)
- C2** S. 136 excluded (26.5.2008) by The Business Protection from Misleading Marketing Regulations 2008 (S.I. 2008/1276), **reg. 10(4)(5)**
- C3** S. 136 excluded (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), **reg. 14(4)(5)** (with reg. 28(2)(3))
- C4** S. 136 restricted (26.11.2008) by Planning Act 2008 (c. 29), ss. 58(6)(7), 236, 241, **Sch. 12 para. 9** (with s. 226)
- C5** S. 136 excluded (10.4.2009) by The Iran (United Nations Sanctions) Order 2009 (S.I. 2009/886), **art. 12(7)**
- C6** S. 136 excluded (10.7.2009) by The North Korea (United Nations Sanctions) Order 2009 (S.I. 2009/1749), **art. 14(7)** (as amended by S.I. 2009/3213)
- C7** S. 136 excluded (30.4.2012) by The Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 (S.I. 2012/1017), regs. 1(2), **71(2)** (with regs. 73, 74)
- C8** S. 136 excluded (8.5.2012) by The Textile Products (Labelling and Fibre Composition) Regulations 2012 (S.I. 2012/1102), regs. 1, **7(4)**
- C9** S. 136 excluded (18.12.2013) by Scottish Independence Referendum Act 2013 (asp 14), **ss. 15(2)**, 36
- C10** S. 136 applied (1.7.2016) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), **ss. 32**, 88(2) (with s. 37); S.S.I. 2016/130, art. 2, sch. (with arts. 5, 6)
- C11** S. 136 excluded by 2006 c. 36, **s. 107(3C)(c)** (as inserted (27.6.2017) by Digital Economy Act 2017 (c. 30), **ss. 13(2)**, 118(2) (with s. 13(4)))
- C12** S. 136 excluded (30.1.2020) by Referendums (Scotland) Act 2020 (asp 2), **ss. 17(2)**, 41
- C13** S. 136 excluded (1.11.2023) by Elections Act 2022 (c. 37), **ss. 57(4)(10)**, 67(1); S.I. 2023/1145, reg. 3(f) (with Sch. para. 10)
- C14** S. 136(1) modified (21.7.1997) by 1997 c. 22, **s. 21(4)(c)**; S.I. 1997/1672, **art. 2**
- C15** S. 136(1) modified (temp.) (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 50-54**, 59(1), **sch. para. 21(2)** (which affecting provision is continued until 30.11.2024 by S.S.I. 2023/360, **reg. 3(2)**)
- C16** S. 136(1) continuation of earlier affecting provision 2022 asp 8, **sch. para. 21(2)** (30.11.2023) by The Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Extension and Expiry of Temporary Justice Measures) Regulations 2023 (S.S.I. 2023/360), regs. 1(3), **3(2)**
- C17** S. 136(3) applied (1.4.1999) by 1998 c. 39, **s. 33(5)(b)**; S.I. 1998/2574, art. 2(2), **Sch. 2**
- S. 136(3) applied (30.4.1998) by S.I. 1998/955, **reg. 8(4)**
- S. 136(3) applied (1.7.1996) by S.I. 1996/1500, **reg. 16(5)**
- S. 136(3) applied (1.8.1996) by S.I. 1996/2005, **reg. 11(4)**
- S. 136(3) applied (3.12.1996) by S.I. 1996/2999, **reg. 11(4)**
- S. 136(3) applied (2.8.1999) by S.I. 1999/1872, **reg. 109(5)**
- S. 136(3) applied (16.12.1999) by S.I. 1999/3315, **reg. 8(5)**
- S. 136(3) applied (17.12.1999) by S.S.I. 1999/186, **reg. 8(6)**
- S. 136(3) applied (29.1.2001) by S.S.I. 2000/448, **reg. 14(4)**
- S. 136(3) applied (10.10.2001 in accordance with art. 1(2) of the amending S.I.) by S.I. 2001/3365, **art. 10(6)**

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- S. 136(3) applied (19.3.2001) by S.S.I. 2001/40, **reg. 11(4)** (which S.S.I. was revoked 2.7.2001 by S.S.I. 2001/220, **art. 13**)
- S. 136(3) applied (12.5.2001) by S.S.I. 2001/140, **reg. 16(5)**
- S. 136(3) applied (2.7.2001) by S.S.I. 2001/220, **reg. 11(4)**
- S. 136(3) applied (28.9.2001) by S.S.I. 2001/300, **reg. 17(4)**
- S. 136(3) applied (1.1.2002) by S.S.I. 2001/445, **reg. 24(2)**
- S. 136(3) applied (22.3.2002) by S.S.I. 2002/139, **reg. 20(2)**
- S. 136(3) applied (28.6.2002) by S.S.I. 2002/278, **reg.15(4)**
- S. 136(3) applied (1.4.2002) by 1980 c. 45, s. 72(3C) (as inserted (1.4.2002) by 2002 asp 3, s. **65(3)** (with s. 67)); S.S.I. 2002/118, **art. 2(3)**
- S. 136(3) applied (1.10.2004) by 1999 c. 33, s. 92B(7) (as inserted (1.10.2004) by 2004 c. 19, **ss. 39(7), 48(1)-(3)**); S.I. 2004/2523, **art. 2, Sch.**
- S. 136(3) applied (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 100(5), 263**; S.S.I. 2005/604, **art. 2**
- S. 136(3) applied (18.3.2004) by S.I. 2004/70, **reg. 21(2)**
- S. 136(3) applied (31.12.2005) by S.S.I. 2005/613, **art. 45(9)**
- C18** S. 136(3) extended (1.4.1996) by 1995 c. 39, **ss. 4(3), 53(2)**
- S. 136(3) extended (4.5.1999) by S.I. 1999/1110, **reg. 7(6)**
- S. 136(3) applied (26.3.2006 at 0600 hours) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), **ss. 5(2), 43** (with s. 10); S.S.I. 2005/492, **art. 3(d)**
- S. 136(3) applied (1.3.2005) by S.I. 2005/218, **reg. 12(10)**
- S. 136(3) applied (18.4.2005) by S.S.I. 2005/143, reg. 25, **Sch. 4 para. 9(2)**
- S. 136(3) applied (12.5.2005) by S.I. 2005/1259, **art. 10(3)**
- S. 136(3) applied (15.5.2005) by S.S.I. 2005/225, **reg. 21(4)**
- S. 136(3) applied (9.6.2005) by S.I. 2005/1517, **art. 10(3)**
- S. 136(3) applied (1.10.2005) by S.I. 2005/1803, **reg. 41(3)**
- S. 136(3) applied (16.12.2005) by S.I. 2005/3432, **art. 12(3)(b)**
- S. 136(3) applied (2.12.2005) by S.S.I. 2005/569, **reg. 21(2)**
- S. 136(3) applied (1.9.2006) by Human Tissue (Scotland) Act 2006 (asp 4), **ss. 21(2), 62**; S.S.I. 2006/251, **art. 3**
- S. 136(3) applied (1.7.2006) by S.S.I. 2006/319, **art. 10(7)**
- S. 136(3) applied (9.6.2006) by S.I. 2006/1454, **art. 13(3)(b)**
- S. 136(3) applied (9.10.2006) by S.I. 2002/3026, reg. 30(2C) (as inserted by S.I. 2006/2530, **reg. 11(2)**)
- S. 136(3) applied (12.10.2006) by S.I. 2006/2657, **art. 14(3)(b)** (with arts. 18, 19)
- S. 136(3) applied (16.11.2006) by S.I. 2006/2952, **art. 14(3)(b)** (with art. 18)
- S. 136(3) applied (16.11.2006) by S.I. 2006/2958, **art. 13(3)(b)** (with art. 17)
- C19** S. 136(3) applied (9.2.2007) by The Iran (Financial Sanctions) Order 2007 (S.I. 2007/281), **art. 13(3)(b)** (with art. 17)
- S. 136(3) applied (3.5.2007) by The Iran (European Community Financial Sanctions) Regulations 2007 (S.I. 2007/1374), **reg. 13(3)(b)** (with reg. 16)
- S. 136(3) applied (28.9.2007) by The Less Favoured Area Support Scheme (Scotland) Regulations 2007 (S.S.I. 2007/439), **reg. 21(2)**
- C20** S. 136(3) applied (20.1.2007, 6.4.2007, 1.10.2007, 6.4.2008, 1.10.2008 for certain purposes and 1.10.2009 otherwise) by Companies Act 2006 (c. 46), **ss. 1128(2), 1300** (with savings in s. 1133); S.I. 2006/3428, **art. 3(2)** (with art. 6); S.I. 2007/1093, **art. 2(2)(c)** (with arts. 4, 11); S.I. 2007/2194, **art. 2(1)(l)(3)(h)** (with art. 12); S.I. 2007/3495, arts. 3(3)(g), **5(3)(a)** (with arts. 7, 12); S.I. 2008/2860, **art. 3(s)** (with arts. 5, 7, 8, Sch. 2 (as amended by: S.I. 2009/1802, **art. 18**; S.I. 2009/1941, **art. 13**; and S.I. 2009/2476, **reg. 2**))
- C21** S. 136(3) applied (22.3.2008) by The Leader Grants (Scotland) Regulations 2008 (S.S.I. 2008/66), **reg. 23(4)**
- C22** S. 136(3) applied (24.3.2008) by The Agricultural Processing, Marketing and Co-operation Grants (Scotland) Regulations 2008 (S.I. 2008/64), **reg. 12(4)**

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- C23** S. 136(3) applied (29.3.2008) by The Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008 (S.S.I. 2008/100), **reg. 22(4)**
- C24** S. 136(3) applied (15.5.2008) by The Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008 (S.S.I. 2008/159), regs. 1(1), **21(4)**
- C25** S. 136(3) applied (18.5.2008) by The Land Managers Skills Development Grants (Scotland) Regulations 2008 (S.S.I. 2008/162), **reg. 13(4)**
- C26** S. 136(3) applied (27.11.2008) Counter-Terrorism Act 2008 (c. 28), ss. 62, 100, **Sch. 7 para. 35(2)** (with s. 101(2), Sch. 7 para. 43)
- C27** S. 136(3) applied (26.1.2009) by The Operation of Air Services in the Community Regulations 2009 (S.I. 2009/41), **reg. 30(5)**
- C28** S. 136(3) applied (10.4.2009) by The Iran (United Nations Sanctions) Order 2009 (S.I. 2009/886), **art. 12(7)**
- C29** S. 136(3) applied (24.4.2009) by The Zimbabwe (Financial Sanctions) Regulations 2009 (S.I. 2009/847), **reg. 14(3)(b)**
- C30** S. 136(3) applied (10.8.2009) by The Terrorism (United Nations Measures) Order 2009 (S.I. 2009/1747), **art. 22(3)(b)** (with art. 25)
- C31** S. 136(3) applied (1.10.2009) by Criminal Justice Act 1993 (c. 36), s. 61A(3) (as inserted by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 141** (with art. 10))
- C32** S. 136(3) applied (1.1.2010) by The Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009 (S.I. 2009/3263), **reg. 10(7)**
- C33** S. 136(3) applied by Child Support Act 1991 (c. 48), s. 14A(8) (as inserted (14.1.2010) by Welfare Reform Act 2009 (c. 24), **ss. 55(3)**, 61; S.I. 2010/45, **art. 2(3)**)
- C34** S. 136(3) applied (8.4.2010) by The Al-Qaida and Taliban (Asset-Freezing) Regulations 2010 (S.I. 2010/1197), regs. 1(1), **11(3)(b)** (with reg. 13)
- C35** S. 136(3) applied (2.7.2010) by The Less Favoured Area Support Scheme (Scotland) Regulations 2010 (S.S.I. 2010/273), regs. 1(1), **21(2)** (with reg. 1(3))
- C36** S. 136(3) applied (17.12.2010) by Terrorist Asset-Freezing etc. Act 2010 (c. 38), **ss. 36(2)(b)**, 55 (with s. 44)
- C37** S. 136(3) applied (4.1.2011) by The Somalia (Asset-Freezing) Regulations 2010 (S.I. 2010/2956), **reg. 16(3)(b)** (with reg. 19)
- C38** S. 136(3) applied (27.2.2011) by Libya (Financial Sanctions) Order 2011 (S.I. 2011/548), arts. 1(1), **15(3)(b)** (with art. 18)
- C39** S. 136(3): savings for effects of S.I. 2011/548 art. 15(3)(b) by S.I. 2011/548 art. 19 (as inserted (3.3.2011) by The Libya (Asset-Freezing) Regulations 2011 (S.I. 2011/605), regs. 1(1), **20** (with reg. 18))
- C40** S. 136(3) applied (3.3.2011) by The Libya (Asset-Freezing) Regulations 2011 (S.I. 2011/605), regs. 1(1), **15(3)(b)** (with reg. 18)
- C41** S. 136(3) applied (7.4.2011) by Ivory Coast (Asset-Freezing) Regulations 2011 (S.I. 2011/1086), regs. 1(1), **15(3)(b)** (with reg. 18)
- C42** S. 136(3) applied (15.4.2011 at 1.00 pm) by Iran (Asset-Freezing) Regulations 2011 (S.I. 2011/1129), regs. 1(1), **15(3)(b)** (with reg. 18)
- C43** S. 136(3) applied (27.4.2011) by Democratic People's Republic of Korea (Asset-Freezing) Regulations 2011 (S.I. 2011/1094), regs. 1(1), **15(3)(b)** (with art. 18)
- C44** S. 136(3) applied (10.5.2011 at 6.00 pm) by Syria (Asset-Freezing) Regulations 2011 (S.I. 2011/1244), regs. 1(1), **15(3)(b)** (with reg. 18)
- C45** S. 136(3) applied (5.8.2011) by The Afghanistan (Asset-Freezing) Regulations 2011 (S.I. 2011/1893), regs. 1(1), **15(3)(b)** (with reg. 18)
- C46** S. 136(3) applied (16.11.2011) by The Al-Qaida (Asset-Freezing) Regulations 2011 (S.I. 2011/2742), regs. 1(1), **15(3)(b)**
- C47** S. 136(3) applied (1.1.2012) by The Common Agricultural Policy Single Farm Payment and Support Schemes (Scotland) Regulations 2011 (S.S.I. 2011/416), reg. 1(1), **sch. 2 para. 9(2)** (with reg. 14(2))

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- C48 S. 136(3) applied (26.3.2012) by The Iran (European Union Financial Sanctions) Regulations 2012 (S.I. 2012/925), regs. 1(1), **22(3)(b)** (with reg. 26(1)(2)(4))
- C49 S. 136(3) applied (30.4.2012) by The Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 (S.I. 2012/1017), regs. 1(2), **71(3)** (with regs. 73, 74)
- C50 S. 136(3) applied (8.5.2012) by The Textile Products (Labelling and Fibre Composition) Regulations 2012 (S.I. 2012/1102), regs. 1, **7(5)**
- C51 S. 136(3) applied (6.6.2012) by The Guinea-Bissau (Asset-Freezing) Regulations 2012 (S.I. 2012/1301), regs. 1(1), **14(3)(b)**
- C52 S. 136(3) applied (2.7.2012) by The Iraq (Asset-Freezing) Regulations 2012 (S.I. 2012/1489), regs. 1(1), **14(3)(b)** (with reg. 17)
- C53 S. 136(3) applied (4.7.2012) by The Republic of Guinea (Asset-Freezing) Regulations 2012 (S.I. 2012/1508), regs. 1(1), **14(3)(b)** (with reg. 17)
- C54 S. 136(3) applied (4.7.2012) by The Belarus (Asset-Freezing) Regulations 2012 (S.I. 2012/1509), regs. 1(1), **14(3)(b)** (with reg. 17)
- C55 S. 136(3) applied (4.7.2012) by The Sudan (Asset-Freezing) Regulations 2012 (S.I. 2012/1507), regs. 1(1), **14(3)(b)** (with reg. 17)
- C56 S. 136(3) applied (5.7.2012) by The Eritrea (Asset-Freezing) Regulations 2012 (S.I. 2012/1515), regs. 1(1), **14(3)(b)** (with reg. 17(1)-(4))
- C57 S. 136(3) applied (5.7.2012) by The Democratic Republic of the Congo (Asset-Freezing) Regulations 2012 (S.I. 2012/1511), regs. 1(1), **14(3)(b)** (with reg. 17)
- C58 S. 136(3) applied (5.7.2012) by The Liberia (Asset-Freezing) Regulations 2012 (S.I. 2012/1516), regs. 1(1), **14(3)(b)** (with reg. 17(1)-(4))
- C59 S. 136(3) applied (5.7.2012) by The Lebanon and Syria (Asset-Freezing) Regulations 2012 (S.I. 2012/1517), regs. 1(1), **14(3)(b)** (with reg. 17(1)-(4))
- C60 S. 136(3) applied (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), regs. 1(2), **339(2)** (with Sch. 32)
- C61 S. 136(3) applied (2.1.2013) by The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 (S.I. 2012/3032), regs. 1, **42(2)(b)** (with regs. 5, 8)
- C62 S. 136(3) applied (21.2.2013) by The Belarus (Asset-Freezing) Regulations 2013 (S.I. 2013/164), regs. 1(1), **14(3)(b)** (with reg. 17)
- C63 S. 136(3) applied by S.S.I. 2004/520, reg. 19A(5) (as inserted (31.5.2013) by The Environmental Information (Scotland) Amendment Regulations 2013 (S.S.I. 2013/127), regs. 1(1), **2(2)**)
- C64 S. 136(3) applied (11.7.2013) by The Cosmetic Products Enforcement Regulations 2013 (S.I. 2013/1478), regs. 1(2), **22(2)(b)** (with reg. 6(5))
- C65 S. 136(3) applied (16.8.2013) by The Democratic People's Republic of Korea (European Union Financial Sanctions) Regulations 2013 (S.I. 2013/1877), regs. 1(1), **17(3)(b)**
- C66 S. 136(3) applied (1.3.2014) by The Olive Oil (Marketing Standards) Regulations 2014 (S.I. 2014/195), regs. 1, **13(4)**
- C67 S. 136(3) applied (14.3.2014) by The Central African Republic (European Union Financial Sanctions) Regulations 2014 (S.I. 2014/587), regs. 1(1), **13(3)(b)** (with reg. 17)
- C68 S. 136(3) applied (18.3.2014 at 3.30 p.m.) by The Ukraine (European Union Financial Sanctions) (No.2) Regulations 2014 (S.I. 2014/693), regs. 1(1), **13(3)(b)** (with reg. 17)
- C69 S. 136(3) applied (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 10 para. 4(3)(c)**; S.I. 2014/251, art. 4
- C70 S. 136(3) applied (6.4.2014 at 3.30 p.m.) by The Ukraine (European Union Financial Sanctions) Regulations 2014 (S.I. 2014/507), regs. 1(1), **13(3)(b)** (with reg. 17)
- C71 S. 136(3) applied (11.7.2014 at 3.30 p.m.) by The Sudan (European Union Financial Sanctions) Regulations 2014 (S.I. 2014/1826), regs. 1(1), **13(3)(b)** (with reg. 17)
- C72 S. 136(3) applied (11.7.2014 at 3.30 p.m.) by The South Sudan (European Union Financial Sanctions) Regulations 2014 (S.I. 2014/1827), regs. 1(1), **13(3)(b)** (with reg. 17(1)-(4))
- C73 S. 136(3) applied (1.8.2014 at 3.00 p.m.) by The Ukraine (European Union Financial Sanctions) (No.3) Regulations 2014 (S.I. 2014/2054), regs. 1(1), **7(3)(b)** (with reg. 10)

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- C74** S. 136(3) applied (19.12.2014 at 2.00 p.m.) by The Yemen (European Union Financial Sanctions) Regulations 2014 (S.I. 2014/3349), regs. 1(1), **13(5)(b)** (with reg. 17)
- C75** S. 136(3) applied by 2003 c. 21, s. 127(6) (as inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. **51(1)**, 95(1) (with s. 51(2)); S.I. 2015/778, art. 3, Sch. 1 para. 42)
- C76** S. 136(3) applied (with effect in accordance with reg. 1 of the amending S.I.) by The South Sudan (European Union Financial Sanctions) (No. 2) Regulations 2015 (S.I. 2015/1361), regs. 1(1), **13(5)(b)** (with reg. 17)
- C77** S. 136(3) applied (17.8.2015) by The Pyrotechnic Articles (Safety) Regulations 2015 (S.I. 2015/1553), regs. 1, **66(2)(b)**
- C78** S. 136(3) applied (2.10.2015 at 3.00 p.m.) by The Burundi (European Union Financial Sanctions) Regulations 2015 (S.I. 2015/1740), regs. 1(1), **13(5)(b)** (with reg. 17(1)-(4))
- C79** S. 136(3) applied (12.10.2015) by The Nagoya Protocol (Compliance) Regulations 2015 (S.I. 2015/821), regs. 1(3), **16(8)** (with regs. 1(5), 12)
- C80** S. 136(3) applied (16.11.2015) by The Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015 (S.I. 2015/1896), regs. 1(2), **11(7)**
- C81** S. 136(3) applied (30.11.2015) by The European Maritime and Fisheries Fund (Grants) (Scotland) Regulations 2015 (S.S.I. 2015/359), regs. 1(1), **16(6)**
- C82** S. 136(3) applied (18.1.2016 at 4.00 p.m.) by The Iran (European Union Financial Sanctions) Regulations 2016 (S.I. 2016/36), regs. 1(1), **14(5)(b)** (with regs. 18, 21)
- C83** S. 136(3) applied (20.1.2016) by The Libya (European Union Financial Sanctions) Regulations 2016 (S.I. 2016/45), regs. 1(1), **13(5)(b)** (with reg. 17)
- C84** S. 136(3) applied (30.11.2016) by Bankruptcy (Scotland) Act 2016 (asp 21), ss. **220(3)**, 237(2) (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- C85** S. 136(3) applied (8.12.2016) by The Electromagnetic Compatibility Regulations 2016 (S.I. 2016/1091), regs. 1, **70(2)(b)** (with regs. 74, 75(5))
- C86** S. 136(3) applied (8.12.2016) by The Electrical Equipment (Safety) Regulations 2016 (S.I. 2016/1101), regs. 1, **54(2)(b)** (with reg. 3)
- C87** S. 136(3) applied (8.12.2016) by The Pressure Equipment (Safety) Regulations 2016 (S.I. 2016/1105), regs. 1, **80(2)(b)** (with reg. 88)
- C88** S. 136(3) applied (8.12.2016) by The Lifts Regulations 2016 (S.I. 2016/1093), regs. 1, **74(2)(b)** (with regs. 3-5)
- C89** S. 136(3) applied (8.12.2016) by The Simple Pressure Vessels (Safety) Regulations 2016 (S.I. 2016/1092), regs. 1, **68(2)(b)** (with regs. 3, 68(6))
- C90** S. 136(3) applied (8.12.2016) by The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 (S.I. 2016/1107), regs. 1(1), **65(2)(b)**
- C91** S. 136(3) applied (1.3.2017) by The Democratic Peoples Republic of Korea (European Union Financial Sanctions) Regulations 2017 (S.I. 2017/218), regs. 1(1), **27(5)(b)** (with regs. 31, 33)
- C92** S. 136(3) applied (temp.) (6.4.2017) by The Reporting on Payment Practices and Performance Regulations 2017 (S.I. 2017/395), regs. 1(2), **10(3)**
- C93** S. 136(3) applied by 2006 c. 36, s. 107(3D) (as inserted (27.6.2017) by Digital Economy Act 2017 (c. 30), ss. **13(2)**, 118(2) (with s. 13(4)))
- C94** S. 136(3) applied (3.8.2017) by The Recreational Craft Regulations 2017 (S.I. 2017/737), regs. 1, **82(2)(b)** (with reg. 89)
- C95** S. 136(3) applied (31.10.2017) by The Republic of Mali (European Union Financial Sanctions) Regulations 2017 (S.I. 2017/972), regs. 1(1), **13(5)(b)** (with reg. 17)
- C96** S. 136(3) applied (6.12.2017) by The Venezuela (European Union Financial Sanctions) Regulations 2017 (S.I. 2017/1094), regs. 1(1), **13(5)(b)** (with reg. 17)
- C97** S. 136(3) applied (26.12.2017) by The Radio Equipment Regulations 2017 (S.I. 2017/1206), **regs. 1, 69(2)(b)** (with regs. 3-5, 77)
- C98** S. 136(3) applied (21.4.2018) by The Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390), regs. 1(1), **11(2)(b)** (with reg. 2(1)-(3))
- C99** S. 136(3) applied (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), regs. 1(1), **11(2)(b)** (with reg. 2)

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- C100** S. 136(3) applied (21.5.2018) by The Burma (European Union Financial Sanctions) Regulations 2018 (S.I. 2018/539), regs. 1(1), **13(5)(b)** (with reg. 17)
- C101** S. 136(3) applied (25.5.2018) by Data Protection Act 2018 (c. 12), **ss. 197(7)**, 212(1) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- C102** S. 136(3) applied (8.8.2018) by The Republic of Maldives (Asset-Freezing) Regulations 2018 (S.I. 2018/861), regs. 1(1), **13(5)(b)** (with reg. 17)
- C103** S. 136(3) applied (7.11.2018) by The Chemical Weapons (Asset-Freezing) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/1090), regs. 1(1), **13(5)(b)** (with art. 17)
- C104** S. 136(3) applied (1.4.2019) by Forestry and Land Management (Scotland) Act 2018 (asp 8), **ss. 67(5)**, 85(2) (with s. 83); S.S.I. 2019/47, reg. 2 (with regs. 3-22)
- C105** S. 136(3) applied (11.6.2019) by The Cyber-Attacks (Asset-Freezing) Regulations 2019 (S.I. 2019/956), regs. 1(1), **13(5)(b)** (with reg. 17)
- C106** S. 136(3) applied (6.11.2019) by The Nicaragua (Asset-Freezing) Regulations 2019 (S.I. 2019/1353), regs. 1(1), **13(5)(b)**
- C107** S. 136(3) applied (21.12.2019) by The Turkey (Asset-Freezing) Regulations 2019 (S.I. 2019/1512), regs. 1(1), **13(5)(b)** (with reg. 17)
- C108** S. 136(3) applied (30.1.2020) by Referendums (Scotland) Act 2020 (asp 2), **ss. 17(2)**, 41
- C109** S. 136(3) applied (6.7.2020 at 1.00 p.m.) by The Global Human Rights Sanctions Regulations 2020 (S.I. 2020/680), regs. 1(2), **36(4)(a)**
- C110** S. 136(3) applied (31.12.2020) by The Democratic People's Republic of Korea (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/411), regs. 1(2), **114(4)**; S.I. 2019/627, reg. 7(2)2020 c. 1, Sch. 5 para. 1(1)
- C111** S. 136(3) applied (31.12.2020) by The Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1278), regs. 1(2), **53(4)(a)**; S.I. 2020/1514, reg. 20(2)
- C112** S. 136(3) applied (31.12.2020) by The Unauthorised Drilling Activities in the Eastern Mediterranean (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/1474), regs. 1(2), **35(4)(a)**; S.I. 2020/1514, reg. 24(2)
- C113** S. 136(3) applied (31.12.2020) by The Zimbabwe (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/604), regs. 1(2), **53(4)**; S.I. 2019/627, reg. 13(2)2020 c. 1, Sch. 5 para. 1(1)
- C114** S. 136(3) applied (31.12.2020) by The Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/577), regs. 1(2), **32(4)(a)**; S.I. 2020/1416, reg. 2(2)
- C115** S. 136(3) applied (31.12.2020) by The Somalia (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/642), regs. 1(2), **67(4)(a)**; S.I. 2020/1514, reg. 12(2)
- C116** S. 136(3) applied (31.12.2020) by The Mali (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/705), regs. 1(2), **36(4)(a)**; S.I. 2020/1514, reg. 13(2)
- C117** S. 136(3) applied (31.12.2020) by The Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019 (S.I. 2019/461), regs. 1(2), **60(4)**; S.I. 2019/627, reg. 8(2)2020 c. 1, Sch. 5 para. 1(1)
- C118** S. 136(3) applied (31.12.2020) by The Burma (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/136), regs. 1(2), **55(4)(a)**; S.I. 2019/627, reg. 4(2)2020 c. 1, Sch. 5 para. 1(1)
- C119** S. 136(3) applied (31.12.2020) by The Burundi (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/1142), regs. 1(2), **34(4)(a)**; S.I. 2020/1514, reg. 2(2)
- C120** S. 136(3) applied (31.12.2020) by The Cyber (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/597), regs. 1(2), **34(4)(a)**; S.I. 2020/1514, reg. 6(2)
- C121** S. 136(3) applied (31.12.2020) by The Iraq (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/707), regs. 1(2), **53(4)(a)**; S.I. 2020/1514, reg. 14(2)
- C122** S. 136(3) applied (31.12.2020) by The Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/573), regs. 1(2), **46(4)**; S.I. 2019/627, reg. 11(2)2020 c. 1, Sch. 5 para. 1(1)
- C123** S. 136(3) applied (31.12.2020) by The Bosnia and Herzegovina (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/608), regs. 1(2), **35(4)(a)**; S.I. 2020/1514, reg. 7(2)
- C124** S. 136(3) applied (31.12.2020) by The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/600), regs. 1(2), **52(4)**; S.I. 2019/627, reg. 12(2)2020 c. 1, Sch. 5 para. 1(1)

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- C125** S. 136(3) applied (31.12.2020) by The Syria (United Nations Sanctions) (Cultural Property) (EU Exit) Regulations 2020 (S.I. 2020/1233), regs. 1(2), **23(4)(a)**; S.I. 2020/1514, reg. 19
- C126** S. 136(3) applied (31.12.2020) by The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433), regs. 1(2), **53(4)**; S.I. 2019/627, reg. 5(2)2020 c. 1, Sch. 5 para. 1(1)
- C127** S. 136(3) applied (31.12.2020) by The Russia (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/855), regs. 1(2), **84(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- C128** S. 136(3) applied (31.12.2020) by The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/466), regs. 1(2), **43(4)(a)**; S.I. 2019/627, reg. 9(2)2020 c. 1, Sch. 5 para. 1(1)
- C129** S. 136(3) applied (31.12.2020) by The Nicaragua (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/610), regs. 1, **34(4)(a)**; S.I. 2020/1514, reg. 8(2)
- C130** S. 136(3) applied (31.12.2020) by The Sudan (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/753), regs. 1(2), **54(4)(a)**; S.I. 2020/1514, reg. 15(2)
- C131** S. 136(3) applied (31.12.2020) by The Central African Republic (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/616), regs. 1(2), **53(4)(a)**; S.I. 2020/1514, reg. 10(2)
- C132** S. 136(3) applied (31.12.2020) by The Lebanon (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/612), regs. 1(2), **28(4)(a)**; S.I. 2020/1514, reg. 9
- C133** S. 136(3) applied (31.12.2020) by The Misappropriation (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/1468), regs. 1(2), **35(4)(a)**; S.I. 2020/1514, reg. 23(2)
- C134** S. 136(3) applied (31.12.2020) by The Syria (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/792), regs. 1(3), **83(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- C135** S. 136(3) applied (31.12.2020) by The Libya (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/1665), regs. 1(3), **70(4)(a)**
- C136** S. 136(3) applied (31.12.2020) by The South Sudan (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/438), regs. 1(2), **53(4)**; S.I. 2019/627, reg. 6(2)2020 c. 1, Sch. 5 para. 1(1)
- C137** S. 136(3) applied (31.12.2020) by The Venezuela (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/135), regs. 1(2), **55(4)(a)**; S.I. 2019/627, reg. 3(2)2020 c. 1, Sch. 5 para. 1(1)
- C138** S. 136(3) applied (31.12.2020) by The Chemical Weapons (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/618), regs. 1(2), **35(4)**; S.I. 2019/627, reg. 14(2)2020 c. 1, Sch. 5 para. 1(1)
- C139** S. 136(3) applied (31.12.2020) by The Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019 (S.I. 2019/134), regs. 1(2), **55(4)(a)**; S.I. 2019/627, reg. 2(2)2020 c. 1, Sch. 5 para. 1(1)
- C140** S. 136(3) applied (31.12.2020) by The Lebanon (Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020 (S.I. 2020/617), regs. 1(2), **29(4)(a)**; S.I. 2020/1514, reg. 11(2)
- C141** S. 136(3) applied (31.12.2020) by The Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/554), regs. 1(2), **35(4)**; S.I. 2019/627, reg. 10(2)2020 c. 1, Sch. 5 para. 1(1)
- C142** S. 136(3) applied (31.12.2020) by The Afghanistan (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/948), regs. 1(2), **42(4)(a)**; S.I. 2020/1514, reg. 16(2)
- C143** S. 136(3) applied (26.4.2021 at noon) by The Global Anti-Corruption Sanctions Regulations 2021 (S.I. 2021/488), regs. 1(2), **35(4)(a)**
- C144** S. 136(3) applied (29.4.2021 at 5.00 pm) by The Myanmar (Sanctions) Regulations 2021 (S.I. 2021/496), regs. 1(3), **64(4)(a)**
- C145** S. 136(3) applied (14.12.2021) by The Burundi (Sanctions) Regulations 2021 (S.I. 2021/1404), regs. 1(2), **35(4)(a)**
- C146** S. 136(3) applied (6.4.2022) by Offensive Weapons Act 2019 (c. 17), **ss. 3(14)**, 70(1)(3); S.I. 2022/418, reg. 2(a) (with reg. 3)
- C147** S. 136(3) applied (6.4.2022) by Offensive Weapons Act 2019 (c. 17), **ss. 1(10)**, 70(1)(3); S.I. 2022/418, reg. 2(a) (with reg. 3)
- C148** S. 136(3) applied (6.4.2022) by Offensive Weapons Act 2019 (c. 17), **ss. 4(12)**, 70(1)(3); S.I. 2022/418, reg. 2(a) (with reg. 3)
- C149** S. 136(3) applied (28.12.2022) by The Haiti (Sanctions) Regulations 2022 (S.I. 2022/1281), regs. 1(2), **44(4)(a)**



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**C150** S. 136(3) applied (14.12.2023) by The Iran (Sanctions) Regulations 2023 (S.I. 2023/1314), regs. 1(2), **83(4)(a)** (with regs. 98-100)

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 136 is up to date with all changes known to be in force on or before 09 April 2024. 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.

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**Changes and effects yet to be applied to :**

- s. 136(3) applied by [S.I. 2020/733 reg. 53\(4\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Regulations revoked prospectively by S.I. 2020/1278, regs. 1(2), 66(4))
- s. 136(3) applied by [S.I. 2021/1404 reg. 35\(4\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. Although it was debated, it was not approved by resolutions of both Houses within the required timeframe, so it has expired with no effect. See the Twelfth Report of Session 2022-23 of the Joint Committee on Statutory Instruments)

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

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

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)

- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)