



# Crime and Punishment (Scotland) Act 1997

## 1997 CHAPTER 48

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **62 Minor and consequential amendments, and repeals.**

- (1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments specified therein, being minor amendments and amendments consequential upon the provisions of this Act.
- (2) The enactments mentioned in Schedule 3 to this Act are repealed to the extent specified in the third column of that Schedule.

#### **Commencement Information**

- II** [S. 62](#) partly in force, [s. 62](#) not in force at Royal Assent see [s. 65\(2\)](#); [s. 62](#) in force for certain purposes at 1.8.1997 by [S.I. 1997/1712](#), [art. 3](#), [Sch.](#) (with [arts. 4, 5](#)); [s. 62\(1\)](#) in force for certain further purposes at 1.10.1997 by [S.I. 1997/2323](#), [art. 6\(2\)](#); [s. 62](#) in force for certain further purposes at 20.10.1997 by [S.I. 1997/2323](#), [art. 3](#), [Sch. 1](#); [s. 62\(2\)](#) in force for certain further purposes at 17.11.1997 by [S.I. 1997/2694](#), [art. 2\(1\)\(2\)\(c\)](#); [s. 62](#) in force for certain further purposes at 1.1.1998 by [S.I. 1997/2323](#), [art. 4](#), [Sch. 2](#); [s. 62\(1\)](#) in force for certain purposes at 1.1.1998 by [S.I. 1997/3004](#), [art. 2](#), [Sch.](#); [s. 62](#) in force for certain further purposes at 1.7.1998 by [S.I. 1997/2323](#), [art. 5\(2\)](#); [s. 62](#) in force for certain further purposes at 1.4.1999 by [S.I. 1999/652](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

#### **63 Financial provisions.**

- (1) There shall be paid out of money provided by Parliament any expenses incurred—

*Changes to legislation: There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Cross Heading: General. (See end of Document for details)*

- (a) by the Secretary of State, under—
- <sup>F1</sup>(i) .....
  - (ii) Part XA of the 1995 Act (Scottish Criminal Cases Review Commission) (as inserted by section 25 of this Act);
  - <sup>F2</sup>(iii) .....
- (b) by the Scottish Legal Aid Board under—
- (i) section 28A(1) of the 1986 Act (power of Board to employ solicitors for criminal legal assistance) (as inserted by section 50 of this Act); or
  - (ii) section 33A(1) of the 1986 Act (power of Board to enter into contracts for provision of criminal legal assistance) (as inserted by section 52 of this Act); or
- (c) by the Lord Advocate under section 60 of this Act.
- (2) There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other Act.

#### Textual Amendments

- F1** S. 63(1)(a)(i) repealed (17.5.2022) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), s. 63(2), [sch. 1 para. 8\(2\)](#); S.S.I. 2022/94, reg. 2(2)(l) (with regs. 1(2), 3(5))
- F2** S. 63(1)(a)(iii) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 8 Pt. 1](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

#### Commencement Information

- I2** S. 63 wholly in force at 1.1.1998; s. 63 not in force at Royal Assent see s. 65(2); s. 63(1)(a)(iii)(c)(2) in force at 1.8.1997 by [S.I. 1997/1712, art. 3, Sch.](#) (with [arts. 4, 5](#)); s. 63(1)(b) in force at 1.10.1997 by [S.I. 1997/2323, art. 6\(3\)](#); s. 63(1)(a)(i) in force at 20.10.1997 by [S.I. 1997/2323, art. 3, Sch. 1](#); s. 63(1)(a)(ii) in force at 1.1.1998 by [S.I. 1997/3004, art. 2, Sch.](#)

## 64 Interpretation.

In this Act, unless the context otherwise requires—

- “supervised release order” has the same meaning as in section 209 of the 1995 Act (supervised release orders);
- “the 1984 Act” means the <sup>M1</sup>Mental Health (Scotland) Act 1984;
- “the 1986 Act” means the <sup>M2</sup>Legal Aid (Scotland) Act 1986;
- “the 1989 Act” means the <sup>M3</sup>Prisons (Scotland) Act 1989;
- “the 1993 Act” means the <sup>M4</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993;
- “the 1995 Act” means the <sup>M5</sup>Criminal Procedure (Scotland) Act 1995.

#### Marginal Citations

- M1** 1984 c.36.  
**M2** 1986 c.47.  
**M3** 1989 c.45.  
**M4** 1993 c.9.  
**M5** 1995 c.46.

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## 65 Short title, commencement and extent.

- (1) This Act may be cited as the Crime and Punishment (Scotland) Act 1997.
- (2) This Act, except sections 45 and 46, shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different purposes.
- (3) In an order under subsection (2) above made in respect of any provision of sections 49 to 54 of this Act, or of paragraph 12 of Schedule 1 to this Act—
  - (a) different days may be appointed for different provisions;
  - (b) different days may be appointed for different areas; and
  - (c) different provisions may be brought into force in relation to different areas.
- (4) An order under subsection (2) above may contain such transitional and consequential provisions and savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions brought into force.
- (5) Subject to subsections (6) and (7) below, this Act shall extend to Scotland only.
- (6) Section 4(3) and (5) of this Act shall extend to England and Wales, and section 37(4) of this Act shall extend to England and Wales and Northern Ireland.
- (7) The amendment or repeal of any enactment by Schedules 1 or 3 to this Act shall have the same extent as the enactment so amended or, as the case may be, repealed.

### Subordinate Legislation Made

- P1** S. 65(2) power partly exercised (10.7.1997): 1.8.1997 appointed for specified provisions by [S.I. 1997/1712](#), art. 3, [Sch.](#) (with arts. 4, 5)  
S. 65(2) power partly exercised (24.9.1997): different dates appointed for specified provisions by [S.I. 1997/2323](#), arts. 3-6, [Schs. 1-3](#) (with art. 7)  
S. 65(2) power partly exercised (10.11.1997): 17.11.1997 appointed for specified provisions by [S.I. 1997/2694](#), art. 2  
S. 65(2) power partly exercised (12.12.1997): 1.1.1998 appointed for specified provisions by [S.I. 1997/3004](#), art. 2, [Sch.](#)  
S. 65(2) power partly exercised (28.2.1999): 1.4.1999 appointed for specified provisions by [S.I. 1999/652](#), art. 2, [Sch.](#)

### Commencement Information

- I3** S. 65 partly in force; s. 65 not in force at Royal Assent see s. 65(2); s. 65(1)(5)(7) in force at 1.8.1997 by [S.I. 1997/1712](#), art. 3, [Sch.](#) (with arts. 4, 5)

**Changes to legislation:**

There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Cross Heading: General.