

**1988 No. 1817 (C.65) (S.169)**

**CRIMINAL LAW, SCOTLAND**

**The Criminal Justice Act 1988 (Commencement No.3)  
Order 1988**

*Made* - - - - *17th October 1988*

The Secretary of State, in exercise of the powers conferred on him by section 171(1) of the Criminal Justice Act 1988(a) and of all other powers enabling him in that behalf hereby makes the following Order:

1. This Order may be cited as the Criminal Justice Act 1988 (Commencement No.3) Order 1988.

2.—(1) Subject to paragraph (2) below, the provisions of the Criminal Justice Act 1988 referred to in column 1 of the Schedule to this Order (which relate to the matters described in column 2 of that Schedule) shall come into force on 1st November 1988.

(2) Nothing in this Order shall bring into force any provision of the Criminal Justice Act 1988 in its application to England and Wales and, accordingly, this Order does not extend to England and Wales.

St. Andrew's House, Edinburgh  
17th October 1988

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State,  
Scottish Office

SCHEDULE

Article 2

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1988

COMING INTO FORCE ON 1ST NOVEMBER 1988

Column 1 <i>Provisions of the Act</i>	Column 2 <i>Subject matter of provisions</i>
Section 124 and Schedule 9	Detention of Young Offenders in Scotland
Section 170(2), to the extent necessary to bring into force the provisions of Schedule 16 specified in Appendix A hereto	Repeals
So much of Schedule 16 as is specified in Appendix A hereto	Repeals.

APPENDIX B

REPEALS TAKING EFFECT ON 1ST NOVEMBER 1988

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of repeal</i>
1952 c.61	Prisons (Scotland) Act 1952	In section 31(1), paragraph (b). In section 31(3), the words "detention centre". In section 31(4), the words "detention centres" wherever they occur. In section 34, the words "or a detention centre". In section 35(1), the words "detention centres". In section 37(1), the words "or detention centre". In section 37(2), the words "or detention centre" wherever they occur.
1968 c.27	Firearms Act 1968	In section 21(2), the words "to borstal training, to corrective training for less than three years or". In section 52(1)(a), the words "preventive detention, corrective training, borstal training,".
1971 c.40	Fire Precautions Act 1971	In section 40(2)(b), the words "detention centre".
1984 c.47	Repatriation of Prisoners Act 1984	In Schedule 1, paragraph 4.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st November 1988 section 124 of the Criminal Justice Act 1988 and associated amendments and repeals. These provisions abolish the sentence of detention in a detention centre, but leave unchanged the sentence of detention in a young offenders institution. The Order does not affect England and Wales.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Criminal Justice Act 1988 have been brought into force by Commencement Orders made before the date of this Order:-

Provisions	Date of commencement	S.I. No.
Section 123, Schedule 8, sections 125 to 128, Schedule 10, section 170(1), Schedule 15 (partially), section 170(2) and Schedule 16 (partially)	1.10.1988	1988/1408
Sections 33, 34, 37 to 39, 40 to 42, 49, 51 to 57, 59, 63, 70, 96, 97, 104 to 107, 121, 122, 131 to 133, 145, 147, 148, 155 to 157, 163 to 165, 170(1) (partially), 170(2) (partially), Schedule 11, Schedule 12, Schedule 15 (partially) and Schedule 16 (partially)	12.10.1988	1988/1676.