

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: Land Reform (Scotland) Act 2003, Cross Heading: Criminal Justice and Public Order Act 1994 (c. 33) is up to date with all changes known to be in force on or before 13 September 2018. 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. (See end of Document for details)

PROSPECTIVE

SCHEDULE 2 AMENDMENT AND REPEAL OF ENACTMENTS

Criminal Justice and Public Order Act 1994 (c. 33)

- 10 The Criminal Justice and Public Order Act 1994 is amended as follows.
- 11 After section 61(4) (circumstances in which persons who, although not originally trespassers on land, have become such may be directed by police to leave) there is inserted—
- “(4A) Where, as respects Scotland, the reason why these persons have become trespassers is that they have ceased to be entitled to exercise access rights by virtue of—
- (a) their having formed the common purpose mentioned in subsection (1) above; or
 - (b) one or more of the conditions specified in paragraphs (a) and (b) of that subsection having been satisfied,
- the circumstances constituting that reason shall be treated, for the purposes of subsection (4) above, as having also occurred after these persons became trespassers.
- (4B) In subsection (4A) above “access rights” has the meaning given by the Land Reform (Scotland) Act 2003 (asp 2).”.
- 12 In section 64 (which, amongst other things, confers powers on the police to seize and remove sound equipment brought or brought back on to land after a removal direction under section 63) there is inserted after subsection (5)—
- “(5A) Entering land in Scotland with sound equipment in the circumstances mentioned in subsection (4)(b) above is not an exercise of access rights within the meaning of the Land Reform (Scotland) Act 2003 (asp 2).”.
- 13 In section 68 (offence of aggravated trespass) after subsection (1) there is inserted—
- “(1A) The reference in subsection (1) above to trespassing includes, in Scotland, the exercise of access rights (within the meaning of the Land Reform (Scotland) Act 2003 (asp 2)) up to the point when they cease to be exercisable by virtue of the commission of the offence under that subsection.”.

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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. 74(1)(o)-(r) inserted by
2015 asp 6
s. 65(b)
- s. 81(1)(ba) (bb) inserted by
2015 asp 6
s. 68(a)
- s. 88(9A) (9B) inserted by
2015 asp 6
s. 69(a)
- s. 92(5)(a) (b) substituted for words by
2015 asp 6
s. 71(a)
- s. 92(5A) inserted by
2015 asp 6
s. 71(b)
- s. 92(6A)-(6C) inserted by
2015 asp 6
s. 71(d)
- s. 94(2)(aa) (ab) inserted by
2015 asp 6
s. 72(2)(b)
- s. 94(2A) (2B) inserted by
2015 asp 6
s. 72(3)
- s. 94(3A)-(3C) inserted by
2015 asp 6
s. 72(4)
- s. 97ZA inserted by
2015 asp 6
s. 73