



Criminal Justice (Scotland) Act 2003

2003 asp 7

CRIMINAL JUSTICE (SCOTLAND) ACT 2003

PART 1

PROTECTION OF THE PUBLIC AT LARGE

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- 1 Risk assessment and order for lifelong restriction

Disposal in case of insanity

- 2 Disposal of case where accused found to be insane

The Risk Management Authority

- 3 The Risk Management Authority
- 4 Policy and research
- 5 Guidelines and standards
- 6 Risk management plans
- 7 Preparation of risk management plans
- 8 Preparation of risk management plans: further provision
- 9 Implementation and review of risk management plans
- 10 Grants to local authorities in connection with risk management plans
- 11 Accreditation, education and training
- 12 Functions: supplementary
- 13 Accounts and annual reports

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- 14 Victim statements
- 15 Prohibition of personal conduct of defence in proofs ordered in relation to victim statements in cases of certain sexual offences
- 15A Application of sections 271 to 271M of the 1995 Act in proofs ordered in relation to victim statements

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Criminal Justice (Scotland) Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- 16 Victim's right to receive information concerning release etc. of offender
- 17 Release on licence: right of victim to receive information and make representations
- 18 Disclosure of certain information relating to victims of crime

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- 19 Amendments in relation to certain serious and sexual offences
- 20 Extended sentences
- 21 Sexual and certain other offences: reports
- 22 Traffic in prostitution etc.

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- 23 Remand and committal of children and young persons
- 24 Legal custody
- 25 Temporary detention of person being returned to prison in England and Wales etc.

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- 26 Consecutive sentences: life prisoners etc.

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- 29 Release on licence: life prisoners
- 30 Release on licence: certain consecutive sentences
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- 32 Release etc. under 1993 Act of prisoner serving consecutive or concurrent offence and non-offence terms
- 33 Prisoners repatriated to Scotland
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- 39 Convention rights of certain life prisoners

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Parole Board to have regard to risk management plans

- 41 Parole Board to have regard to risk management plans

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- 84 Transitional provisions etc.
- 85 Minor and consequential amendments
- 86 Repeals
- 87 Interpretation
- 88 Orders
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SCHEDULE 1 — Order for lifelong restriction: modification of enactments

- 1 (1) The 1993 Act is amended in accordance with this...
- 2 (1) The 1995 Act is amended in accordance with this...

SCHEDULE 2 — Constitution etc. of the Risk Management Authority

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- 1 Status
- 2 The Authority— (a) is not a servant or agent of...
- 3 (1) The Authority consists of such members (including a convener)...
- 4 (1) Subject to any order under subsection (1) of section...
- 5 (1) The Authority may, with the approval of the Scottish...
- 6 (1) The Authority may, with the approval of the Scottish...

SCHEDULE 3 — Wildlife offences

- 1 The Wildlife and Countryside Act 1981 (c. 69) is amended...
- 2 In each of sections 6(8) (regulations as to dealing in...
- 3 In section 7(4) (offence relating to disposal etc. of certain...
- 4 In section 19 (enforcement)— (a) in subsection (1)(c), the words...
- 5 In section 20 (summary prosecutions)— (a) subsection (1) is repealed;...
- 6 In section 21 (penalties, forfeitures etc.)— (a) for subsection (1)...

SCHEDULE 4 — Minor and consequential amendments

- 1 Section 42 of the 1989 Act (exercise of powers to...
- 2 (1) The 1993 Act is amended as follows.
- 3 (1) The 1995 Act is amended as follows.
- 4 In Schedule 1 to the Crime and Punishment (Scotland) Act...
- 5 In the schedule to the Convention Rights (Compliance) (Scotland) Act...

SCHEDULE 5 — Repeals

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 3(2)(b) words substituted by 2010 asp 13 Sch. 7 para. 71
- s. 14(5)(a) words inserted by 2014 asp 1 s. 23(2)(a)(i)
- s. 14(5)(a) words inserted by 2014 asp 1 s. 23(2)(a)(ii)
- s. 14(5)(b) words inserted by 2014 asp 1 s. 23(2)(b)(i)
- s. 14(5)(b) words inserted by 2014 asp 1 s. 23(2)(b)(ii)
- s. 14(6)(a)(ii) words substituted by S.S.I. 2011/211 Sch. 1 para. 12(a)
- s. 14(6)(b) word repealed by 2014 asp 1 s. 23(3)(b)
- s. 14(6)(b) words repealed by 2014 asp 1 s. 23(3)(d)
- s. 14(6)(b)(i) words inserted by 2014 asp 1 s. 23(3)(a)
- s. 14(6)(b)(ii) repealed by 2014 asp 1 s. 23(3)(c)
- s. 14(8) word substituted by 2014 asp 1 s. 23(4)(a)
- s. 14(8) words repealed by 2014 asp 1 s. 23(4)(b)
- s. 14(12)(a) words substituted by 2014 asp 1 s. 23(6)(a)
- s. 14(12)(a) words substituted by 2014 asp 1 s. 23(6)(b)
- s. 15A repealed by 2010 asp 13 s. 89
- s. 16(1) words substituted by 2014 asp 1 s. 27(a)
- s. 16(3) word repealed by 2015 asp 9 s. 54(2)(b)
- s. 16(3)(d) substituted by 2014 asp 1 s. 27(b)
- s. 16(3)(f) word substituted by 2015 asp 9 s. 54(2)(c)(i)
- s. 16(3)(f) words inserted by 2015 asp 9 s. 54(2)(c)(ii)
- s. 16(4) word repealed by 2015 asp 9 s. 54(3)(a)
- s. 16(5)(a) words inserted by 2014 asp 1 s. 23(9)(a)(i)
- s. 16(5)(a) words inserted by 2014 asp 1 s. 23(9)(a)(ii)
- s. 16(5)(b) words repealed by 2014 asp 1 s. 23(9)(d)
- s. 16(5)(b)(i) words inserted by 2014 asp 1 s. 23(9)(c)
- s. 16(5)(b)(ii) words inserted by 2014 asp 1 s. 23(9)(b)(i)
- s. 16(5)(b)(ii) words inserted by 2014 asp 1 s. 23(9)(b)(iii)
- s. 16(5)(b)(ii) words repealed by 2014 asp 1 s. 23(9)(b)(ii)
- s. 16(5)(b)(ii) words substituted by 2014 asp 1 s. 23(9)(b)(iv)
- s. 16(6) words inserted by 2014 asp 1 s. 23(10)(b)
- s. 16(6) words substituted by 2014 asp 1 s. 23(10)(a)
- s. 16(7) repealed by 2014 asp 1 s. 23(11)
- s. 16(8) words substituted by 2014 asp 1 s. 23(12)
- s. 17(4) word inserted by 2014 asp 1 s. 28(b)(i)
- s. 17(4) words added by 2014 asp 1 s. 28(b)(ii)
- s. 21(2)(b) words substituted by 2012 c. 7 s. 213(8)(c)
- s. 21(2)(b) words substituted by 2017 c. 16 Sch. 5 para. 48(c)
- s. 22 repealed by 2015 asp 12 sch. para. 2
- s. 22(1)(a) words inserted by 2010 asp 13 s. 46(1)(a)(i)
- s. 22(1)(a) words inserted by 2010 asp 13 s. 46(1)(a)(ii)
- s. 22(2) words substituted by 2010 asp 13 s. 46(1)(c)
- s. 22(4) substituted by 2010 asp 13 s. 46(1)(d)
- s. 22(5) substituted by 2010 asp 13 s. 46(1)(e)
- s. 22(6) words repealed by 2010 asp 13 s. 46(1)(f)(i)
- s. 40(1) words substituted by 2007 asp 17 sch. 4 para. 4(2)
- s. 40(3) word substituted by 2007 asp 17 sch. 4 para. 4(3)(a)
- s. 40(3) word substituted by 2007 asp 17 sch. 4 para. 4(3)(b)
- s. 40(8)(a)(b) substituted by 2007 asp 17 sch. 4 para. 4(4)
- s. 42(2) substituted by S.S.I. 2016/142 Sch. para. 3
- s. 53(4) words repealed by S.S.I. 2013/211 Sch. 2
- s. 53(4) words substituted by S.S.I. 2013/211 Sch. 1 para. 12

- s. 56(1) words inserted by 2010 asp 13 s. 82(2)(a)
- s. 56(2) words substituted by 2010 asp 13 s. 82(2)(b)
- s. 56(3) words inserted by 2010 asp 13 s. 82(2)(c)
- s. 56(4)(a) words substituted by 2012 asp 8 sch. 7 para. 21(2)(a)
- s. 56(4)(b) words repealed by 2012 asp 8 sch. 7 para. 21(2)(b)(i)
- s. 56(4)(b)(i) words repealed by 2012 asp 8 sch. 7 para. 21(2)(b)(ii)
- s. 56(5)(b) words repealed by 2010 asp 13 s. 82(2)(d)
- s. 56(6)(a) words substituted by 2010 asp 13 s. 82(2)(e)
- s. 56(7)(a) words repealed by 2010 asp 13 s. 82(2)(f)
- s. 56(8) word omitted by S.I. 2011/2298 Sch. para. 2(b)(i)
- s. 56(8) words inserted by S.I. 2011/2298 Sch. para. 2(b)(ii)
- s. 59 repealed by 2007 asp 6 Sch. para. 30(b)
- s. 68 repealed by 2010 c. 23 Sch. 2
- s. 69 repealed by 2010 c. 23 Sch. 2
- s. 75 repealed by 2012 asp 8 sch. 8 Pt. 1
- s. 76(1)-(9) repealed by 2012 asp 8 sch. 8 Pt. 1
- s. 80 repealed by 2016 asp 1 s. 110(2)(b)
- s. 88 word inserted by 2015 asp 9 s. 59(3)
- s. 88(2)(b) words inserted by 2014 asp 1 s. 23(14)
- specified provision(s) and purposes Appointed Day(s) by S.S.I. 2003/439 art. 2 3 Sch. (Effect not applied to legislation.gov.uk. This S.S.I. is revoked (1.10.2003) by S.S.I. 2003/475, art. 4)

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. 14(11A)-(11E) inserted by 2014 asp 1 s. 23(5)
- s. 14(13)-(16) inserted by 2014 asp 1 s. 23(7)
- s. 16(3)(e)(i) word substituted by 2015 asp 9 s. 54(2)(a)(i)
- s. 16(3)(e)(i) words inserted by 2015 asp 9 s. 54(2)(a)(ii)
- s. 16(3)(g) inserted by 2015 asp 9 s. 54(2)(d)
- s. 16(4)(c) and word inserted by 2015 asp 9 s. 54(3)(b)
- s. 16(8) words substituted by S.S.I. 2011/211 Sch. 1 para. 12(b)
- s. 16(9) added by 2014 asp 1 s. 23(13)
- s. 16A-16C inserted by 2015 asp 9 s. 55(2)
- s. 17(1)(a) substituted for words by 2014 asp 1 s. 28(a)(i)
- s. 17(1)(b) added by 2014 asp 1 s. 28(a)(ii)
- s. 17(10A) inserted by 2014 asp 1 s. 28(c)
- s. 17(13) added by 2014 asp 1 s. 28(d)
- s. 17A inserted by 2014 asp 1 s. 29
- s. 17B-17D inserted by 2015 asp 9 s. 56(2)
- s. 17E inserted by 2015 asp 9 s. 57(2)
- s. 18A inserted by 2015 asp 9 s. 58(2)
- s. 18B inserted by 2015 asp 9 s. 59(2)
- s. 22(1A) inserted by 2010 asp 13 s. 46(1)(b)
- s. 22(6)(g) (h) inserted by 2010 asp 13 s. 46(1)(f)(ii)
- s. 56(2)(a) word omitted by S.I. 2011/2298 Sch. para. 2(a)(i)
- s. 56(2)(c)-(d) inserted by S.I. 2011/2298 Sch. para. 2(a)(ii)
- s. 56(7A) inserted by 2010 asp 13 s. 82(2)(g)

Commencement Orders yet to be applied to the Criminal Justice (Scotland) Act 2003
Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2011/1418 art. 2 commences (2010 c. 23)

– [S.S.I. 2011/178 art. 2 commences \(2010 asp 13\)](#)