



# Criminal Justice (Scotland) Act 2003

2003 asp 7

## CRIMINAL JUSTICE (SCOTLAND) ACT 2003

### PART 1

#### PROTECTION OF THE PUBLIC AT LARGE

##### *Risk assessment and order for lifelong restriction*

- 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

### PART 2

#### VICTIMS' RIGHTS

- 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

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- 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

### **PART 3**

#### SEXUAL OFFENCES ETC.

- 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.

### **PART 4**

#### PRISONERS ETC.

##### *Custody and temporary detention*

- 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.

##### *Consecutive sentences*

- 26 Consecutive sentences: life prisoners etc.

##### *Release of prisoners*

- 27 Release on licence etc. under 1989 Act
- 28 Release on licence etc. under 1993 Act
- 29 Release on licence: life prisoners
- 30 Release on licence: certain consecutive sentences
- 31 Release: prisoners serving extended sentences
- 32 Release etc. under 1993 Act of prisoner serving consecutive or concurrent offence and non-offence terms
- 33 Prisoners repatriated to Scotland
- 34 Suspension of conditions and revocation of licences under 1989 Act
- 35 Suspension of licence conditions under 1993 Act
- 36 Revocation of licences under 1993 Act
- 37 Extended sentences: recall to prison and revocation of licences
- 38 Special provision in relation to children

##### *Special provision as regards certain life prisoners*

- 39 Convention rights of certain life prisoners

##### *Monitoring on release*

- 40 Remote monitoring of released prisoners

##### *Parole Board to have regard to risk management plans*

- 41 Parole Board to have regard to risk management plans

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## **PART 5**

### DRUGS COURTS

- 42 Drugs courts

## **PART 6**

### NON-CUSTODIAL PUNISHMENTS

- 43 Restriction of liberty orders
- 44 Interim anti-social behaviour orders
- 45 Application by registered social landlord for anti-social behaviour order
- 46 Requirement for remote monitoring in probation order
- 47 Requirement for remote monitoring in drug treatment and testing order
- 48 Breach of certain orders: adjourning hearing and remanding in custody etc.
- 49 Power of arrest where breach of non-harassment order
- 50 Amendments in relation to certain non-custodial sentences

## **PART 7**

### CHILDREN

- 51 Physical punishment of children
- 52 Prohibition of publication of proceedings at children's hearing etc.
- 53 Provision by Principal Reporter of information to victims

## **PART 8**

### EVIDENTIAL, JURISDICTIONAL AND PROCEDURAL MATTERS

#### *Evidential matters*

- 54 Certificates relating to physical data: sufficiency of evidence
- 55 Taking samples by swabbing
- 56 Retaining sample or relevant physical data where given voluntarily
- 57 Convictions in other member States of the European Union

#### *Jurisdictional matters*

- 58 Transfer of sheriff court proceedings
- 59 Competence of justice's actings outwith jurisdiction

#### *Procedural matters*

- 60 Unified citation provisions
- 61 Citation other than by service of indictment or complaint
- 62 Leave to appeal: extension of time limit for application under section 107(4) of 1995 Act
- 63 Adjournment at first diet in summary proceedings
- 64 Review hearing of drug treatment and testing order
- 65 Transcript of record
- 66 Bail and related matters
- 67 Adjournment of case before sentence

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**PART 9**

## BRIBERY AND CORRUPTION

- 68 Bribery and corruption: foreign officers etc.
- 69 Bribery and corruption committed outwith UK

**PART 10**

## CRIMINAL RECORDS

- 70 Registration for criminal records purposes

**PART 11**

## LOCAL AUTHORITY FUNCTIONS

- 71 Advice, guidance and assistance to persons arrested or on whom sentence deferred
- 72 Grants to local authorities discharging certain functions jointly

**PART 12**

## MISCELLANEOUS AND GENERAL

*Miscellaneous*

- 73 Public defence
- 74 Offences aggravated by religious prejudice
- 75 Reintroduction of ranks of deputy chief constable and chief superintendent
- 76 Police custody and security officers
- 77 Wildlife offences
- 78 Disqualification from jury service
- 79 Separation of jury after retiral
- 80 Television link from court to prison or other place of detention
- 81 Warrants issued in Northern Ireland for search of premises in Scotland
- 82 Use of electronic communications or electronic storage in connection with warrants to search
- 83 Anti-social behaviour strategies

*General*

- 84 Transitional provisions etc.
- 85 Minor and consequential amendments
- 86 Repeals
- 87 Interpretation
- 88 Orders
- 89 Short title and commencement

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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 \(2010 asp 13\)](#)