



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
- 16A Victim's right to receive information concerning offender subject to compulsion order
- 16B Person entitled to ask to be given information under section 16A
- 16C Information to be given under section 16A
- 17 Release on licence: right of victim to receive information and make representations
- 17A Temporary release: victim's right to make representations about conditions
- 17B Mentally-disordered offender: victim's right to make representations
- 17C Making representations under section 17B
- 17D Right to information after section 17B decision
- 17E Information sharing in respect of mentally-disordered offenders
- 18 Disclosure of certain information relating to victims of crime
- 18A Interpretation of Part
- 18B Power to modify Part

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

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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

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

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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

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- 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

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

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- 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
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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

- 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

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Changes and effects yet to be applied to :

- s. 21(2)(b) words substituted by
2017 c. 16
Sch. 5
para. 48(c)
- 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. 59 repealed by
2007 asp 6
Sch.
para. 30(b)
- 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(13)-(16) inserted by
2014 asp 1
s. 23(7)