



# Criminal Proceedings etc. (Reform) (Scotland) Act 2007

## 2007 asp 6

### PART 6

#### GENERAL

#### 80 Modification of enactments

The schedule makes provision for modification of enactments.

#### Commencement Information

- II** [S. 80](#) partly in force; [s. 80](#) not in force at Royal Assent, see [s. 84](#); [s. 80](#) in force for certain purposes at 23.4.2007, 10.12.2007, 10.3.2008, 2.6.2008, 8.12.2008, 23.2.2009, 14.12.2009 and 22.2.2010 by [S.S.I. 2007/250, art. 3](#); [S.S.I. 2007/479, art. 3, Sch.](#); [S.S.I. 2008/42, art. 3, Sch.](#); [S.S.I. 2008/192, art. 3, Sch.](#); [S.S.I. 2008/329, art. 3, Sch.](#); [S.S.I. 2008/362, art. 3, Sch.](#); [S.S.I. 2009/432, art. 3\(1\)\(2\), Sch. 1, Sch. 2](#)

#### 81 Orders

- (1) Any power of the Scottish Ministers [<sup>F1</sup>or the Lord President of the Court of Session] to make orders under the preceding Parts of this Act is exercisable by statutory instrument.
- (2) And it includes power to—
  - (a) make such incidental, supplemental, consequential, transitional, transitory or saving provision as the Scottish Ministers consider [<sup>F2</sup>or (as the case may be) the Lord President considers] necessary or expedient for the purposes of or in connection with the order,
  - (b) make different provision for different purposes or areas.
- (3) But—

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Part 6. (See end of Document for details)*

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- (a) a statutory instrument containing an order under section 46(1) or (2), <sup>F3</sup>... [<sup>F4</sup> 59(2) or (6)] or 63(2) is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament,
- (b) a statutory instrument containing any other order under the preceding Parts of this Act is subject to annulment in pursuance of a resolution of the Parliament.

#### Textual Amendments

- F1** Words in s. 81(1) inserted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), ss. 73, 76, **Sch. 5 para. 5(2)(a)**; S.S.I. 2010/39, **art. 2**, Sch.
- F2** Words in s. 81(2)(a) inserted (1.4.2010) by Judiciary and Courts (Scotland) Act 2008 (asp 6), ss. 73, 76, **Sch. 5 para. 5(2)(b)**; S.S.I. 2010/39, **art. 2**, Sch.
- F3** Word in s. 81(3)(a) omitted (31.12.2020) by virtue of The Criminal Justice (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/339), regs. 1(3), **4(3)**
- F4** Words in s. 81(3)(a) inserted (1.4.2015) by Courts Reform (Scotland) Act 2014 (asp 18), ss. **127(4)**, 138(2); S.S.I. 2015/77, **art. 2(2)(3)**, sch.

## 82 Ancillary provision

- (1) The Scottish Ministers may by order made by statutory instrument make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of or in connection with this Act.
- (2) An order under subsection (1) may modify any enactment (including this Act), instrument or document.
- (3) But—
  - (a) a statutory instrument containing an order under subsection (1) which adds to, replaces or omits any part of the text of an Act is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament,
  - (b) a statutory instrument containing any other order under that subsection is subject to annulment in pursuance of a resolution of the Parliament.

## 83 Interpretation

- (1) In this Act—
  - “the 1971 Act” is the Sheriff Courts (Scotland) Act 1971 (c. 58),
  - “the 1975 Act” is the District Courts (Scotland) Act 1975 (c. 20),
  - “the 1995 Act” is the Criminal Procedure (Scotland) Act 1995 (c. 46).
- (2) Any expression used in this Act and in the 1995 Act is, unless the context requires otherwise, to be construed in accordance with section 307 (interpretation) of the 1995 Act.

## 84 Commencement and short title

- (1) The provisions of this Act, except sections 81 to 83 and this section, come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.
- (2) An order under subsection (1) may—

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- (a) appoint different days for different provisions,
- (b) include such transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient in connection with the provisions,
- (c) make different provision for different purposes or areas.

(3) This Act may be cited as the Criminal Proceedings etc. (Reform) (Scotland) Act 2007.

#### **Subordinate Legislation Made**

- P1** S. 84 power partly exercised: 23.4.2007 appointed for specified provisions and purposes by {S.S.I. 2007/250}, art. 3 (with art. 4)
- S. 84 power partly exercised: 10.12.2007 appointed for specified provisions and purposes by {S.S.I. 2007/479}, art. 3, Sch. (subject to arts. 4-14)
- S. 84 power partly exercised: 10.3.2008 appointed for specified provisions and purposes by {S.S.I. 2008/42}, art. 3, Sch.
- S. 84 power partly exercised: 2.6.2008 appointed for specified provisions and purposes by {S.S.I. 2008/192}, art. 3, Sch.
- S. 84 power partly exercised: 8.12.2008 appointed for specified provisions and purposes by {S.S.I. 2008/329}, art. 3, Sch.
- S. 84 power partly exercised: 23.2.2009 appointed for specified provisions and purposes by {S.S.I. 2008/362}, art. 3, Sch.
- S. 84 power partly exercised: 29.6.2009 appointed for specified provisions and purposes by {S.S.I. 2009/116}, art. 3, Sch. (which S.S.I. was revoked (10.6.2009) by {S.S.I. 2009/238}, art. 1)
- S. 84 power partly exercised: 14.12.2009 and 22.10.2010 appointed for specified provisions and purposes by {S.S.I. 2009/432}, art. 3, Schs. 1, 2

**Changes to legislation:**

There are currently no known outstanding effects for the *Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Part 6*.