



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

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Status: This is the original version (as it was originally enacted).

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Status: This is the original version (as it was originally enacted).

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- 2 In section 52H(3) (early termination of assessment order), the following...
- 3 In section 52R(3) (termination of treatment order), the following are...
- 4 In section 53(12)(a) (interim compulsion orders), for sub-paragraphs (vi) and...
- 5 In section 57A(15)(a) (compulsion order), for sub-paragraphs (vi) and (vii)...
- 6 In section 58(8) (order for hospital admission or guardianship), for...
- 7 In section 106(1) (right of appeal), for paragraph (d) substitute—...
- 8 In section 108 (Lord Advocate’s right of appeal against disposal)—...
- 9 In section 118(4) (disposal of appeals against sentence), after “(d),”...
- 10 In section 121A(4) (suspension of certain sentences pending determination of...
- 11 In section 173(2) (quorum of High Court in relation to...
- 12 In section 175 (right of appeal)— (a) in subsection (2)—...
- 13 In section 186 (appeals against sentence only), in each of...
- 14 In section 187(1) (leave to appeal against sentence), for “175(2)(b)...
- 15 In section 189(5) (disposal of appeal against sentence), after “175(2)(c)”...
- 16 In section 193A(4) (suspension of certain sentences pending determination of...
- 17 Sections 228 to 234 (probation) are repealed.
- 18 In section 234H (disposal on revocation of drug treatment and...
- 19 (1) Section 234J (concurrent drug treatment and testing and probation...
- 20 Sections 235 to 245 (supervised attendance orders and community service...
- 21 (1) Section 245A (restriction of liberty orders) is amended as...
- 22 (1) Section 245D (combination of restriction of liberty orders with...
- 23 (1) Section 245G (disposal on revocation of restriction of liberty...
- 24 In section 245J (breach of certain orders: adjourning hearing and...
- 25 Sections 245K to 245Q (community reparation orders) are repealed.
- 26 In section 246 (admonition and absolute discharge), in each of...
- 27 In section 249(2) (compensation order against convicted person), for paragraph...
- 28 In section 307 (interpretation)— (a) in subsection (1)—
- 29 Schedules 6 and 7 are repealed.
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- 30 The Firearms Act 1968 (c.27)
- 31 The Social Work (Scotland) Act 1968 (c.49)
- 32 The Rehabilitation of Offenders Act 1974 (c.53)
- 33 The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55)
- 34 The Local Government and Planning (Scotland) Act 1982 (c.43)
- 35 The 1982 Act
- 36 The Foster Children (Scotland) Act 1984 (c.56)
- 37 The Road Traffic Offenders Act 1988 (c.53)
- 38 The Jobseekers Act 1995 (c.18)
- 39 The Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40)
- 40 The Proceeds of Crime (Scotland) Act 1995 (c.43)
- 41 The Crime and Punishment (Scotland) Act 1997 (c.48)
- 42 The Crime and Disorder Act 1998 (c.37)
- 43 The Powers of Criminal Courts (Sentencing) Act 2000 (c.6)
- 44 The Criminal Justice and Court Services Act 2000 (c.43)

- 45 The Social Security Fraud Act 2001 (c.11)
- 46 The Justice (Northern Ireland) Act 2002 (c.26)
- 47 The Criminal Justice (Scotland) Act 2003 (asp 7)
- 48 The Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)
- 49 The Criminal Justice Act 2003 (c.44)
- 50 The Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)
- 51 The Management of Offenders etc. (Scotland) Act 2005 (asp 14)
- 52 The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)
- 53 The Criminal Justice and Immigration Act 2008 (c.4)

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- 1 Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)
- 2 In section 34 (period during which licence in force), for...
- 3 In the following places after “section” insert “5,”—
- 4 In section 40 (compassionate release: effect of revocation in certain...
- 5 (1) Section 42 (consideration by Parole Board) is amended as...
- 6 After section 42 insert— Determination that section 42(3) applicable:
consequences...
- 7 (1) Section 45 (prisoner’s right to request early reconsideration by...
- 8 In section 46 (multiple licences to be replaced by single...
- 9 (1) Section 51 (prisoners serving extended sentences) is amended as...
- 10 (1) Section 55 (application to young offenders and children) is...
- 11 In section 56 (fine defaulters and persons in contempt of...
- 12 In section 65 (rules, regulations and orders), in subsection (4)(a),...
- 13 (1) Schedule 2 (prisoners serving more than one sentence) is...
- 14 (1) Schedule 3 (sentences framed to run consecutively) is amended...
- 15 The 1995 Act
- 16 (1) Section 167 (forms of finding and sentence in summary...
- 17 (1) Section 210A (extended sentences for sex and violent offenders)...

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PART 1 — THE 1995 ACT

- 1 The 1995 Act
- 2 In section 23C(2)(d)(i) (previous convictions to be taken into
consideration...
- 3 In section 27 (breach of bail conditions: offences), after subsection...
- 4 In section 202(2) (deferred sentence), for “Great Britain” substitute
“the...
- 5 In section 204 (restrictions on passing sentence of imprisonment or...
- 6 In section 205B (minimum sentence for third conviction of certain...
- 7 In section 275A (disclosure of accused’s previous convictions where
court...
- 8 In section 307 (interpretation)— (a) in subsection (1), insert the...

PART 2 — OTHER ENACTMENTS

- 9 The 1982 Act
- 10 The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)
- 11 The Criminal Law (Consolidation) (Scotland) Act 1995 (c.39)
- 12 The Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)
- 13 The Sexual Offences (Scotland) Act 2009 (asp 9)

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- 1 Interpretation
- 2 Pre-commencement anonymity orders: appeals

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- 1 The 2005 Act is amended in accordance with the following...
- 2 In section 4 (the licensing objectives), subsection (2) is repealed....
- 3 In section 21 (notification of premises licence applications), subsection (5)...
- 4 In section 22 (objections and representations), subsection (2) is repealed....
- 5 In section 23 (determination of premises licence application), for subsection...
- 6 (1) Section 24 (applicant's duty to notify Licensing Board of...
- 7 (1) Section 33 (transfer of premises licence on application of...
- 8 In section 44 (procedure where Licensing Board receives notice of...
- 9 In section 57 (notification of occasional licence application to chief...
- 10 (1) Section 59 (determination of occasional licence application) is amended...
- 11 In section 69 (notification of extended hours application), in subsection...
- 12 In section 73 (notification of personal licence application to chief...
- 13 (1) Section 74 (determination of personal licence application) is amended...
- 14 (1) Section 75 (applicant's duty to notify Licensing Board of...
- 15 (1) Section 83 (procedure where Licensing Board receives notice of...
- 16 After section 84 insert— Power of chief constable to report...
- 17 In section 148 (index of defined expressions), in the table,...
- 18 In schedule 1 (Licensing Boards), in paragraph 10(4), the words...

SCHEDULE 7 — MODIFICATIONS OF ENACTMENTS

- 1 The Libel Act 1792 (c.60)
- 2 The Criminal Libel Act 1819 (c.8)
- 3 The False Oaths (Scotland) Act 1933 (c.20)
- 4 The Public Records (Scotland) Act 1937 (c.43)
- 5 The Law Officers Act 1944 (c.25)
- 6 The Defamation Act 1952 (c.66)
- 7 The Rehabilitation of Offenders Act 1974 (c.53)
- 8 In section 1 (rehabilitated persons and spent convictions), in subsection...
- 9 In section 6(6)(bb) (convictions in service disciplinary proceedings), for "the...
- 10 The Schedule (service disciplinary proceedings) is renumbered as Schedule 1....
- 11 The Evidence (Proceedings in Other Jurisdictions) Act 1975 (c.34)
- 12 The 1982 Act
- 13 In section 52 (indecent photographs etc. of children), subsection (7)...
- 14 In section 64 (appeals against orders in relation to public...
- 15 The Incest and Related Offences (Scotland) Act 1986 (c.36)
- 16 The Legal Aid (Scotland) Act 1986 (c.47)
- 17 The Criminal Justice (Scotland) Act 1987 (c.41)
- 18 The Criminal Justice Act 1988 (c.33)
- 19 The Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)
- 20 The Criminal Justice and Public Order Act 1994 (c.33)

- 21 The Criminal Law (Consolidation) (Scotland) Act 1995 (c.39)
- 22 Section 16 (powers of search) is repealed.
- 23 In section 23 (interpretation of Part 2), in the definition...
- 24 The Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40)
- 25 The 1995 Act
- 26 After section 5 insert— Signing of warrants etc. outwith sheriff’s...
- 27 In section 10A (jurisdiction for transferred cases)—
- 28 In section 11 (certain offences committed outside Scotland)—
- 29 In section 17A (right of person accused of sexual offence...
- 30 In section 18(8)(c) (power to take prints etc. under authority...
- 31 In section 19(1)(b) (samples etc. taken from person convicted of...
- 32 In section 19A (samples etc. from persons convicted of sexual...
- 33 Section 20 (use of prints, samples, etc.) is repealed.
- 34 In section 22 (liberation by police), subsections (1H), (2), (4),...
- 35 In section 23A (bail and liberation where person already in...
- 36 In section 35 (judicial examination), in subsection (4A)—
- 37 In section 55(4) (acquittal at examination of facts)—
- 38 The title of section 57 (disposal of case where accused...
- 39 In section 57 (disposal of case where accused found to...
- 40 In section 60C(7) (disapplication of provision where person acquitted on...
- 41 In section 61 (requirements as to medical evidence)—
- 42 The title of section 62 (appeal by accused in case...
- 43 The title of section 63 (appeal by prosecutor in case...
- 44 In section 66 (service and lodging of indictment etc.), in...
- 45 In section 71 (first diet)— (a) in subsection (A1), for...
- 46 In section 78(2) (which attracts the procedure for notifying special...
- 47 In section 79 (preliminary pleas and preliminary issues), in subsection...
- 48 In section 85 (juries: citation and attendance of jurors), in...
- 49 In section 90D (review of orders under section 90B(1)(a) or...
- 50 In section 102A (failure of accused to appear), for paragraph...
- 51 In section 118(5) (disposal of appeal from solemn proceedings where...
- 52 In section 136A (time limits for transferred and related cases),...
- 53 In section 137B (transfer of sheriff court summary proceedings outwith...
- 54 In section 140 (citation), in subsection (2A)—
- 55 In section 144 (procedure at first diet), in subsection (3A)—...
- 56 In section 146 (plea of not guilty), in subsection (3A)—...
- 57 The title of section 190 (disposal of appeal where appellant...
- 58 In section 190— (a) in subsection (1), for “insane when...
- 59 In section 247 (effect of probation and absolute discharge)—
- 60 In section 254 (search warrant for forfeited articles)—
- 61 In section 258 (uncontroversial evidence), after subsection (4A) insert—
- 62 In section 307 (interpretation), in subsection (1), after the definition...
- 63 The Offensive Weapons Act 1996 (c.26)
- 64 The Defamation Act 1996 (c.31)
- 65 The Crime and Punishment (Scotland) Act 1997 (c.48)
- 66 In section 9 (power to specify hospital unit), in subsection...
- 67 In section 13 (increase in sentences available to sheriff and...
- 68 In section 56 (powers of the court on remand or...
- 69 The Terrorism Act 2000 (c.11)
- 70 The Protection of Children (Scotland) Act 2003 (asp 5)

- 71 The Criminal Justice (Scotland) Act 2003 (asp 7)
- 72 The Legal Deposit Libraries Act 2003 (c.28)
- 73 The Sexual Offences Act 2003 (c.42)
- 74 The Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5)
- 75 The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)
- 76 The Management of Offenders etc. (Scotland) Act 2005 (asp 14)
- 77 The Serious Organised Crime and Police Act 2005 (c.15)
- 78 The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)
- 79 In section 7 (liberation on undertaking), in subsection (2), paragraphs...
- 80 In section 74 (appointment of stipendiary magistrates), subsection (6) is...
- 81 After section 74 insert— Exercise of functions by stipendiary magistrates...
- 82 In section 76 (signing functions)— (a) in subsection (2), for...
- 83 In the schedule (modification of enactments)— (a) paragraph 3(b) is...
- 84 The Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)
- 85 The Counter-Terrorism Act 2008 (c.28)
- 86 The Sexual Offences (Scotland) Act 2009 (asp 9)
- 87 The Coroners and Justice Act 2009 (c.25)