



# Coronavirus (Recovery and Reform) (Scotland) Act 2022

2022 asp 8

## PART 5

### TEMPORARY JUSTICE MEASURES

#### *Supporting provisions*

#### **55 Criminal procedure time limits: consequential modifications**

- (1) The Criminal Procedure (Scotland) Act 1995 is modified as follows.
- (2) In section 52T(4) (prevention of delay in trials: assessment orders and treatment orders)—
  - (a) in paragraph (a), for “the total periods of 80 days, 110 days and 140 days” substitute “any period”,
  - (b) in paragraph (b), the word “total” is repealed,
  - (c) in paragraph (c)—
    - (i) for “total of 40 days” substitute “period”,
    - (ii) before “section” insert “subsection (1) of”.
- (3) In section 65 (solemn proceedings: prevention of delay in trials)—
  - (a) in subsection (3), for “either or both of the periods of 11 and 12 months”, in both places where it occurs, substitute “any period”,
  - (b) in subsection (10)—
    - (i) for “the periods of 11 and 12 months specified in subsections (1) and (3) above” substitute “any period specified in subsection (1) (including any such period as extended)”,
    - (ii) for “detained” substitute “in lawful custody”,
    - (iii) the words from “in any prison” to the end of the subsection are repealed.
- (4) In section 71B (first diet: appointment of trial date)—
  - (a) in subsection (3)—

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- (i) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
    - (ii) for “140 day period” substitute “period specified in section 65(4)(b)(ii)”,
  - (b) in subsection (4), for “12 month period” substitute “period specified in section 65(1)(b)”,
  - (c) in subsection (5)—
    - (i) for “140 day period” substitute “period specified in section 65(4)(b)(ii)”,
    - (ii) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
  - (d) in subsection (6)—
    - (i) for “140 day period”, in both places where it occurs, substitute “period specified in section 65(4)(b)(ii)”,
    - (ii) for “12 month period” substitute “period specified in section 65(1)(b)”,
  - (e) in subsection (7)—
    - (i) for “140 day period” substitute “period specified in section 65(4)(b)(ii)”,
    - (ii) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
  - (f) for subsection (10) substitute—
 

“(10) In this section a reference to the period specified in section 65(1)(b) or section 65(4)(b)(ii) is to be construed as including that period as extended.”.
- (5) In section 72A (preliminary hearing: appointment of trial diet)—
- (a) in subsection (3)—
    - (i) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
    - (ii) for “140 day period” substitute “period specified in section 65(4)(aa)(ii)”,
  - (b) in subsection (4), for “12 month period” substitute “period specified in section 65(1)(b)”,
  - (c) in subsection (5)—
    - (i) for “140 day period” substitute “period specified in section 65(4)(aa)(ii)”,
    - (ii) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
  - (d) in subsection (6)—
    - (i) for “140 day period”, in both places where it occurs, substitute “period specified in section 65(4)(aa)(ii)”,
    - (ii) for “12 month period” substitute “period specified in section 65(1)(b)”,
  - (e) in subsection (7)—
    - (i) for “140 day period” substitute “period specified in section 65(4)(aa)(ii)”,

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- (ii) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
- (f) for subsection (10) substitute—
  - “(10) In this section a reference to the period specified in section 65(1)(b) or section 65(4)(aa)(ii) is to be construed as including that period as extended.”.

## **56 Criminal procedure time limits: transitional and saving provision**

- (1) In relation to solemn proceedings in which the accused’s first appearance on petition was before 1 October 2022—
  - (a) sections 52T and 65 of the 1995 Act continue to apply in accordance with the modifications made by paragraph 10(2) and (3) of schedule 4 of the 2020 Act (despite that paragraph’s expiry),
  - (b) the modifications made to the 1995 Act by the following provisions of this Act do not apply—
    - (i) section 55(3)(b),
    - (ii) paragraph 20 of the schedule,
    - (iii) paragraph 22(2) of the schedule.
- (2) In relation to summary proceedings in which the complaint is brought in court before 1 October 2022—
  - (a) section 147 of the 1995 Act continues to apply in accordance with the modifications made by paragraph 10(5) of schedule 4 of the 2020 Act (despite that paragraph’s expiry),
  - (b) the modification made to section 147 of the 1995 Act by paragraph 22(3) of the schedule of this Act does not apply.
- (3) In this section—
  - “the 1995 Act” means the Criminal Procedure (Scotland) Act 1995,
  - “the 2020 Act” means the Coronavirus (Scotland) Act 2020.

## **57 Effect of early release from prison or young offenders institution by virtue of regulations**

- (1) A person described in the first column of the table below who is released from custody by virtue of regulations under [paragraph 25 of the schedule](#), or paragraph 19(1) of schedule 4 of the Coronavirus (Scotland) Act 2020, is deemed to have been released by virtue of the provision of the 1993 Act mentioned in the corresponding entry in the second column.

Status of person immediately before release	Provision of the 1993 Act by virtue of which the person is deemed to have been released
A short-term prisoner	section 1(1)
A long-term prisoner	section 1(3)
A person serving a term of imprisonment or detention imposed on a basis mentioned in section 5(1)(a)	section 1(1), construed as required by section 5(2)

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Status of person immediately before release	Provision of the 1993 Act by virtue of which the person is deemed to have been released
or (b) of the 1993 Act (fine defaulters and persons in contempt of court) and who is, for any purpose, to be treated as a short-term prisoner by virtue of that section	
A person serving a term of imprisonment or detention imposed on a basis mentioned in section 5(1)(a) or (b) of the 1993 Act and who is, for any purpose, to be treated as a long-term prisoner by virtue of that section	section 1(3), construed as required by section 5(2)
A person detained— (a) under section 208 of the Criminal Procedure (Scotland) Act 1995 (detention of children convicted on indictment), or (b) in pursuance of an order under section 7(3) of the 1993 Act (children detained in solemn proceedings)	section 7(2)

(2) In [this section](#)—

- (a) “1993 Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993,
- (b) “short-term prisoner” and “long-term prisoner”—
  - (i) have the meanings given in section 27(1) of the 1993 Act, and
  - (ii) include a person treated, for any purpose, as a short-term prisoner or (as the case may be) a long-term prisoner by virtue of section 6(1)(a) or 16(5)(a) of the 1993 Act.