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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 439 (C. 22)**

**CRIMINAL LAW**

**The Criminal Justice (Scotland) Act 2003  
(Commencement No. 2) Order 2003**

*Made - - - - 17th September 2003*

The Scottish Ministers, in exercise of the powers conferred on them by section 89(2) and (3) of the Criminal Justice (Scotland) Act 2003<sup>(1)</sup>, hereby make the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Criminal Justice (Scotland) Act 2003 (Commencement No. 2) (Scotland) Order 2003.

(2) In this Order “the Act” means the Criminal Justice (Scotland) Act 2003.

**Commencement**

**2.** The provisions of the Act specified in column 1 of the Schedule to this Order and whose subject matter is specified in column 2 of that Schedule shall, insofar as they are not already in force, come into force on the dates specified in column 3 of the said Schedule, but where a particular purpose is also specified in relation to a provision in column 1, that provision shall come into force on its appointed day only for that purpose.

**3.** The coming into force of section 13 is subject to article 2 of the Criminal Justice (Scotland) Act 2003 (Transitional Provisions) Order 2003<sup>(2)</sup>.

St Andrew’s House, Edinburgh  
17th September 2003

*HUGH HENRY*  
Authorised to sign by the Scottish Ministers

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(1) 2003 asp 7.  
(2) S.S.I./2003/438.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

Article 2

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Commencement date</i>
Sections 4, 5, 6, 11, 12 and 13	The Risk Management Authority	1st January 2004
Sections 14, 15 and 18	Victims' Rights	25th November 2003
Section 21(1) to (8) and (11), but only in respect of summary proceedings	Sexual and certain other offences: reports	3rd November 2003
Sections 26 and 30	Prisoners etc	1st December 2003
Section 40	Remote monitoring of released prisoners	12th January 2003
Section 51	Physical punishment of children	27th October 2003
Section 60	Unified citation provisions	27th October 2003
Section 85 but only for the purpose of bringing into force the provision of Schedule 4 specified below	Minor and consequential amendments	25th November 2003
Schedule 4, paragraph 3	Minor and consequential amendments	25th November 2003

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Criminal Justice (Scotland) Act 2003 on the dates specified in the Schedule to the Order.

The coming into force of section 13 is subject to the provisions of the Criminal Justice (Scotland) Act 2003 (Transitional Provisions) Order 2003 (S.S.I. 2003/ .)

Sections 77, 84, 87 to 89 and schedule 3 were commenced on Royal Assent on 26th March 2003. Section 86 and schedule 5 were also commenced on Royal Assent insofar as relating to the Wildlife and Countryside Act 1981.

**NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Act insofar as these are not already in force have been brought into force by a commencement order made before the date of this Order.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the Act</i>	<i>Date of Commencement</i>	<i>S.S.I. No</i>
Sections 2(b), 3, 19, 20, 22 to 25, 27 to 29, 31, 33 to 38, 39, 42, 43 to 50, 52, 53, 54 to 57, 58, 59, 61 to 67, 68, 69, 70(1), (3), (4) and (7), 71, 72, 73, 74, 76, 78 to 82, 85 (partially), 86, schedule 2  schedule 4, paragraphs 1, 2, 3(1) and (3) and (5)  schedule 5	27th June 2003	<a href="#">S.S.I. 2003/288</a>