

## SCHEDULE

Regulation 2

### CONSEQUENTIAL AND SUPPLEMENTARY MODIFICATIONS

#### PART 1

##### Primary Legislation

###### *Salmon Fisheries (Scotland) Act 1868*

1. In section 29 of the Salmon Fisheries (Scotland) Act 1868(1) (apprehension of offenders), the words from “or to deliver” to “magistrate” are omitted.

###### *Official Secrets Act 1911*

2. Section 6 of the Official Secrets Act 1911(2) (power to arrest) is repealed.

###### *Public Order Act 1936*

3. In section 7 of the Public Order Act 1936(3) (enforcement), subsection (3) is repealed.

###### *Children and Young Persons (Scotland) Act 1937*

4. In section 21 of the Children and Young Persons (Scotland) Act 1937(4) (punishment of vagrants preventing children from receiving education), subsection (2) is repealed.

###### *Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951*

5. In section 12(2) of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951(5) (apprehension of offenders), both occurrences of “, constable” are omitted.

###### *Sea Fisheries (Shellfish) Act 1967*

6. In section 4D of the Sea Fisheries (Shellfish) Act 1967(6) (sections 4A to 4CA: supplementary), subsections (2A) and (2B) are repealed.

###### *Immigration Act 1971*

7. In section 28H(13) of the Immigration Act 1971(7) (searching persons in police custody), for paragraph (b) substitute—

- 
- (1) [1868 c.123](#) (31 & 32 Vict). Section 29 was amended by schedule 2 of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 (c.26 14 & 15 Geo 6). It was partially repealed by the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act [2003 \(asp 15\)](#) schedule 4 Part 2 (see also section 71(3) and (4)) and [S.I. 2006/2913](#) schedule 4 Part 2 (see also article 1(3)).
- (2) [1911 c.28](#) (1 & 2 Geo 5).
- (3) [1936 c.6](#) (1 Edw 8 & 1 Geo 6). Section 7(3) was amended by the Public Order Act [1986 \(c. 64\)](#) schedule 3.
- (4) [1937 c.37](#) (1 Edw 8 & 1 Geo 6). Section 21(2) was amended by the Education (Scotland) Act 1945 (c.37 8 & 9 Geo 6) schedule 4 and the Social Work (Scotland) Act [1968 \(c.49\)](#) section 95 and schedule 9.
- (5) [1951 c.26](#) (14 & 15 Geo 6). Section 12 was partially repealed by the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act [2003 \(asp 15\)](#) schedule 4 Part 2 (see also section 71(3) and (4)) and [S.I. 2006/2913](#) schedule 4 Part 2 (see also article 1(3)).
- (6) [1967 c.83](#). Section 4D was inserted by the Police, Public Order and Criminal Justice (Scotland) Act [2006 \(asp 10\)](#) section 98(1). It was amended by the Aquaculture and Fisheries (Scotland) Act [2013 \(asp 7\)](#) section 57(3) and (4).
- (7) [1971 c.77](#). Section 28H was inserted by the Immigration and Asylum Act [1999 \(c.33\)](#) section 135(1).

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:  
*The Criminal Justice (Scotland) Act 2016 (Consequential and Supplementary Modifications) Regulations 2017 No. 452*

“(b) he is arrested at a police station after attending voluntarily at the station or accompanying a constable to it.”.

*Misuse of Drugs Act 1971*

8. Section 24 of the Misuse of Drugs Act 1971(8) (power of arrest) is repealed.

*Inshore Fishing (Scotland) Act 1984*

9. In section 6A of the Inshore Fishing (Scotland) Act 1984(9) (power to enter land), subsections (6) and (7) are repealed.

*Public Order Act 1986*

10. In each of sections 14B and 14C of the Public Order Act 1986(10) (trespassory assemblies), subsection (4) is repealed.

*Road Traffic Act 1988*

11. Sections 167 (power of arrest) and 178(3) (taking motor vehicle without authority) of the Road Traffic Act 1988(11) are repealed.

*Criminal Procedure (Scotland) Act 1995*

12.—(1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

(2) In section 24(3)(b) (bail and bail conditions) for “section 21, 22 or 43 of this Act” substitute “section 25 of the Criminal Justice (Scotland) Act 2016”.

(3) In section 288K(1)(12) (live television links: specified hearings), after “High Court,” insert “Sheriff Appeal Court.”.

*Terrorism Act 2000*

13. In paragraph 18(3)(b) of schedule 8 of the Terrorism Act 2000(13) (treatment of persons detained under section 41 or schedule 7) for “section 15(4) of the Criminal Procedure (Scotland) Act 1995” substitute “section 40 of the Criminal Justice (Scotland) Act 2016”.

*Extradition Act 2003*

14. In section 206C(5) of the Extradition Act 2003(14) (live links: interpretation), paragraph (c) is omitted.

---

(8) 1971 c.38.

(9) 1984 c.26. Section 6A was inserted by the Aquaculture and Fisheries (Scotland) Act 2013 (asp 7) section 50(2).

(10) 1986 c.64. Sections 14B and 14C were inserted by the Criminal Justice and Public Order Act 1994 (c.33) sections 70 and 71 respectively.

(11) 1988 c.52. Section 167 was amended by the Road Safety Act 2006 (c.49) schedule 3 paragraph 27.

(12) Section 288K is inserted by section 110(1) of the 2016 Act.

(13) 2000 c.11. Schedule 8 paragraph 18 is amended by the Anti-social Behaviour, Crime and Policing Act 2014 (c.12) schedule 9 paragraph 5(12) and the 2016 Act schedule 2 paragraph 37.

(14) 2003 c.41. Section 206C was inserted by the Policing and Crime Act 2009 (c.26) section 78.

## PART 2

### Secondary Legislation

#### *Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013*

**15.** In rule 12(3)(b) of the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013<sup>(15)</sup> (record keeping by the Reporter of investigation and determination) for "section 43(5) (arrangements where children arrested) of the Criminal Procedure (Scotland) Act 1995" substitute "section 53(2) of the Criminal Justice (Scotland) Act 2016 (duty to inform Principal Reporter if child not being prosecuted)".

#### *Secure Accommodation (Scotland) Regulations 2013*

**16.** In regulation 12(1)(b) of the Secure Accommodation (Scotland) Regulations 2013<sup>(16)</sup> (children otherwise dealt with under the Criminal Procedure Act) for "section 43 of the Criminal Procedure Act" substitute "section 22 or 53 of the Criminal Justice (Scotland) Act 2016".

#### *Right to Information (Suspects and Accused Persons) (Scotland) Regulations 2014*

**17.** In regulation 2 of the Right to Information (Suspects and Accused Persons) (Scotland) Regulations 2014<sup>(17)</sup> (interpretation) for paragraph (1) substitute—

"(1) For the purposes of these Regulations, a person is in police custody if the person has been arrested by a constable in connection with an offence, except where arrested under the Extradition Act 2003, and is in custody in a police station or other premises."

#### *Right to Interpretation and Translation in Criminal Proceedings (Scotland) Regulations 2014*

**18.** In regulation 2 of the Right to Interpretation and Translation in Criminal Proceedings (Scotland) Regulations 2014<sup>(18)</sup> (interpretation) for paragraph (2) substitute—

"(2) For the purposes of these Regulations, a person is in police custody if the person has been arrested by a constable in connection with an offence, except where arrested under the Extradition Act 2003, and is in custody in a police station or other premises."

---

<sup>(15)</sup> S.S.I. 2013/194.

<sup>(16)</sup> S.S.I. 2013/205.

<sup>(17)</sup> S.S.I. 2014/159.

<sup>(18)</sup> S.S.I. 2014/95.