



# Criminal Justice (Scotland) Act 1980

## CHAPTER 62

### CRIMINAL JUSTICE (SCOTLAND) ACT 1980

#### PART I

##### POLICE POWERS

- 1 Suspect or potential witness may be required by constable to identify himself.
- 2 Detention and questioning at police station.
- 3 Right to have someone informed when arrested or detained.
- 3A Rights of persons arrested or detained in connection with terrorism.
- 3B Provisions as to children detained in connection with terrorism.
- 3C Provisions relating to consultations and access in connection with terrorism.
- 3D .....
- 4 Search for offensive weapons.
- 5 Constable may take drunken person to designated place.

#### PART II

##### PROCEDURE AND EVIDENCE

##### *Procedure*

- 6 Judicial examination.
- 7 Jurisdiction of district courts.
- 8 .....
- 9 Citation of defence witness for precognition.
- 10 Identification parades.
- 11 Discharge and assignation of diets in summary procedure.
- 12 Abolition of mandatory first diet in solemn procedure.

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

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- 13 Written notice of evidence incriminating co-accused in solemn procedure.
- 14 Prevention of delay in trials.
- 15 Intermediate diet in summary procedure.
- 16 Procedure where accused desires to plead guilty under solemn procedure.
- 17 Procedure where accused desires to plead guilty under solemn procedure.
- 18 Desertion of trial diet.
- 19 No case to answer.
- 20 Correction of entries.
- 21 Trial may proceed in accused's absence if he misconducts himself.
- 22 Restrictions on report of proceedings involving person under 16.
- 23 Peremptory challenge of jurors.
- 24 Seclusion of jury after retiral.
- 25 Interpretation of 1975 Act.

#### *Evidence*

- 26 Routine evidence.
- 27 Parties may examine each other's witnesses etc.
- 28 Co-accused competent witness for defence.
- 29 Spouse to be competent witness.
- 30 Additional evidence and evidence in replication.
- 31 .....
- 32 Evidence by letter of request or on commission.
- 32A Evidence from abroad through television links in solemn proceedings.

#### *Appeals*

- 33 Solemn appeals.
- 34 Summary appeals.
- 35 Prosecution appeal by bill of advocacy.
- 36 Appeals from decisions on competency and relevancy in summary proceedings.
- 37 Lord Advocate's reference.

#### *Miscellaneous*

- 38 Summary trial of wilful fire-raising.
- 39 Procedure and evidence in trials for treason.

### **PART III**

#### **PENALTIES**

- 40 Previous conviction deemed to be admitted.
- 41 Restriction on passing sentence of imprisonment or detention on person not legally represented.
- 42 Restriction on passing sentence of imprisonment on person not previously so dealt with.
- 43 Punishment for murder.
- 44 .....
- 45 Detention of young offenders.
- 46 Increase of certain penalties and other sums.

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- 47 Application to solemn procedure of summary procedure provisions relating to fines.
- 48 Enforcement of High Court fine by sheriff.
- 49 Power to remit fines.
- 50 Maximum period of imprisonment for non-payment of fine in summary proceedings.
- 51 Execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine.
- 52 Recovery of fine or caution by civil diligence.
- 53 Availability of probation after deferred sentence.
- 54 Dealing with person who commits further offence while sentence is deferred.
- 55 .....
- 56 Penalties for drunkenness.
- 57 Penalty for second conviction of assault on constable.

#### **PART IV**

##### COMPENSATION BY OFFENDERS

- 58 Compensation order against convicted person.
- 59 Amount of compensation order.
- 60 Payment under compensation order.
- 61 Guidance as to whether compensation order or fine should be preferred.
- 62 Precedence of compensation order over fine.
- 63 Appeal as regards compensation order.
- 64 Review of compensation order.
- 65 Acts of Adjournal.
- 66 Application of provisions relating to fines to enforcement of compensation orders.
- 67 Effect of compensation order on subsequent award of damages in civil proceedings.

#### **PART V**

##### SPORTING EVENTS: CONTROL OF ALCOHOL ETC.

- 68 Designation of sports grounds and sporting events.
- 69 Alcohol on vehicle travelling to or from sporting event.
- 70 Liability of vehicle operator and his employees and agents.
- 70A Alcohol on certain other vehicles.
- 71 Defences in connection with carriage of alcohol.
- 72 Possession of container at sporting event.
- 72A Possession of fireworks etc. at sporting events.
- 73 Possession of alcohol at sporting event.
- 74 Drunkenness at sporting event.
- 75 Police powers of enforcement.
- 76 Presumption as to contents of container.
- 76 Presumption as to contents of container.
- 77 Interpretation of Part V.

#### **PART VI**

##### MISCELLANEOUS AND GENERAL

- 78 Vandalism.

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- 79 Grants in respect of hostel accommodation for persons under supervision.
- 80 Homosexual offences.
- 81 Interpretation etc.
- 82 Financial provisions.
- 83 Transitional provisions, consequential amendments and repeals.
- 84 Short title, commencement and extent.

## SCHEDULES

### SCHEDULE 1 —

#### SCHEDULE 2 —

- 1 For section 228 (right of appeal), there shall be substituted...
- 2 Section 229 (certificate by judge that case appealable) shall cease...
- 3 For section 231 (time for appealing), there shall be substituted...
- 4 Section 232 (calculating days of appeal etc.) shall cease to...
- 5 For section 233 (forms of appeal) there shall be substituted...
- 6 In section 234 (presentation of appeal in writing), in each...
- 7 In section 236 (proceedings in sheriff court to be furnished)...
- 8 After section 236 there shall be inserted the following sections—...
- 9 For section 237 (judge's notes and report to be furnished),...
- 10 In section 238 (admission of appellant to bail)—
- 11 In section 239(1) (clerk to give notice of date of...
- 12 In section 240 (appellant may be present at hearing), the...
- 13 For section 244 (abandonment of appeal), there shall be substituted...
- 14 In section 245(3) (quorum and sitting of High Court) the...
- 15 In section 247 (powers which may be exercised by a...
- 16 For section 252 (supplemental powers of High Court), there shall...
- 17 Section 253(2) (evidence on commission) shall cease to have effect...
- 18 For section 254 (determination of appeals) there shall be substituted...
- 19 For section 255 (substitution of verdict) there shall be substituted...
- 20 In section 256 (frivolous appeals) for the word "notice" there...
- 21 In section 257 (failure to appear at hearing), the words...
- 22 In section 263(1) (prerogative of mercy):— (a) the words "or...
- 23 In Section 264 (disqualification, forfeiture etc.), in each of subsections...
- 24 In section 265 (fines and caution— (a) in subsection (3)...
- 25 In section 269 (extract convictions) for the words "ten days",...
- 26 In section 270 (custody of trial documents etc.)—
- 27 In section 271 (Clerk of Justiciary to furnish forms etc.)...
- 28 In section 272 (note to be kept of appeal) the...
- 29 In section 273(1) (register of appeals) for the words "a...
- 30 In section 274(1) (shorthand notes of trial) the words "or...
- 31 In section 277 (non-compliance with certain provisions)—
- 32 In section 280 (appeals against hospital orders etc.) for the...

#### SCHEDULE 3 —

- 1 For section 442 (appeal by stated case), there shall be...
- 2 In section 443 (appeals against hospital orders etc.), for the...
- 3 In section 444 (manner and time of appeal)—
- 4 Section 445 (caution by appellant) shall cease to have effect...
- 5 In section 446 (procedure where appellant in custody), for subsection...
- 6 For subsection (1) of section 447 (draft stated case to...

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- 7 In section 448 (adjustment and signature of case)—
- 8 In section 449 (abandonment of appeal)— (a) in subsection (1)—...
- 9 In section 450 (record of procedure on appeal), for the...
- 10 For section 451 (computation of time), there shall be substituted...
- 11 For section 452 (hearing of appeal), there shall be substituted...
- 12 .....
- 13 After section 453 of the 1975 Act there shall be...
- 14 Section 454(2) (which provides in relation to summary proceedings that...

#### SCHEDULE 4 —

- 1 In section 68(3) (notice of previous convictions)—
- 2 In section 69 (warrants for citation) for the words “second...
- 3 In section 74 (proceedings against bodies corporate)—
- 4 For section 75 there shall be substituted the following section—...
- 5 For section 76 (notice for first diet) there shall be...
- 6 For section 77 (alteration of diet) there shall be substituted...
- 7 After section 77, there shall be inserted the following section—...
- 8 For section 78 there shall be substituted the following section—...
- 9 For section 80 there shall be substituted the following section—...
- 10 In section 82(2) and (3) (written notice of witnesses and...
- 11 In section 83 (accused to see productions) for the words...
- 12 In section 84 (proof as to productions) for the words...
- 13 In section 96 (notice of jury list) for the words...
- 14 For section 103, there shall be substituted the following section—...
- 15 For section 104 there shall be substituted the following section—...
- 16 Section 105 (High Court case) shall cease to have effect...
- 17 Section 106 (pleas of guilty) shall cease to have effect...
- 18 Section 107 (solicitor of place of second diet may defend...
- 19 Section 108 (certain objections competent only at first diet) shall...
- 20 .....
- 21 In section 115 (sittings dispensed with) for the words “sheriff...
- 22 In section 116 (adjournment of second diet)—
- 23 In section 117 (sitting transferred where few cases) for the...
- 24 Section 120 (notification after first diet of intention to plead...
- 25 Section 121 (second diet-transcript of procedure at first diet) shall...
- 26 Section 122 (review at second diet in High Court) shall...
- 27 In section 127(1) (procedure where trial does not take place)—...

#### SCHEDULE 5 — .....

#### SCHEDULE 6 — Transitional Provisions

- 1 A provision contained in any of sections 6, 12 to...
- 2 A provision contained in any of sections 18(2), 19, 21,...
- 3 A provision contained in any of sections 47, 48, 50...
- 4 A provision contained in any of sections 46(1)(a), (c) and...
- 5 A person serving a sentence of borstal training on the...
- 6 Sections 33, 35 and 37 of, and Schedule 2 to,...
- 7 Section 34 of, and Schedule 3 to, this Act shall...
- 8 A provision contained in paragraph 24 of Schedule 7 to...
- 9 In the application of section 66 of this Act to...
- 10 In the application of section 38A of the Criminal Law...

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SCHEDULE 7 — Minor and Consequential Amendments

*The Prisons (Scotland) Act 1952 (c. 61)*

- 1—6 .....
- 7 .....
- 8 In section 29(1) (removal for judicial purposes) after the words...
- 9 In section 30(3) (prisoners unlawfully at large) after the words...
- 10 In section 32(2) (extension throughout the United Kingdom of certain...
- 11 In section 38 (construction of references to sentence of imprisonment)  
—...
- 12 .....

*The Criminal Justice (Scotland) Act 1963 (c. 39)*

- 13 In section 9(4)(a) (transfer between institutions), after the words  
“1957”...
- 14, 15 .....

*The Legal Aid (Scotland) Act 1967 (c.43)*

- 16 In section 1 (scope and general conditions of legal aid),...
- 17—20 .....

*The Social Work (Scotland) Act 1968 (c. 49)*

- 21 .....

*The Road Traffic Act 1972 (c. 20)*

- 22 In section 10(4) (evidence by certificate)— (a) after the word...
- 23 .....

*The Rehabilitation of Offenders Act 1974 (c. 53)*

- 24 In section 5 (rehabilitation periods for particular sentences)—

*The Criminal Procedure (Scotland) Act 1975 (c.21)*

- 25 .....
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*The Criminal Law Act 1977 (c. 45)*

79 In section 39(3) (service of summonses and citations throughout the...

SCHEDULE 8 — Repeals

**Changes to legislation:**

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