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*Changes to legislation:* There are currently no known outstanding effects for the  
Criminal Justice (Scotland) Act 1980, SCHEDULE 6. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 6

Section 83(1).

#### TRANSITIONAL PROVISIONS

- 1 A provision contained in any of sections 6, 12 to 17, 26, 28, 29, 31, 36, 40 to 42 and 46(1)(b) of, and Schedules 1 and 4 to, this Act and any related amendment or repeal provided for in Schedule 7 or 8 to this Act, shall not apply in relation to proceedings which have been instituted before the coming into force of that provision; and, for the purposes of this paragraph, proceedings shall be taken to have been instituted on the day on which the petition or complaint is served on the accused.
- 2 A provision contained in any of sections 18(2), 19, 21, 22, 27, 30 and 39 of this Act, and any such related amendment or repeal, shall not apply in relation to a trial which has commenced before the coming into force of that provision; and, for the purposes of this paragraph, a trial shall be taken to commence—
  - (a) in the case of solemn proceedings, when the oath is administered to the jury;
  - (b) in the case of summary proceedings, when the first witness is sworn.
- 3 A provision contained in any of sections 47, 48, 50 and 52 of this Act, and any such related amendment or repeal, shall not apply in relation to the enforcement of any fine or caution imposed before the coming into force of that provision.
- 4 A provision contained in any of sections 46(1)(a), (c) and (d), 56(1) and 57 of this Act shall not affect the punishment for an offence committed before the coming into force of that provision.
- 5 A person serving a sentence of borstal training on the date when section 45 of this Act comes into force, shall be liable to be detained in a young offenders institution, but in every other respect shall be liable to be dealt with as if the said section had not come into force.
- 6 Sections 33, 35 and 37 of, and Schedule 2 to, this Act shall not apply in relation to an appeal against, or review of, an order made on the final determination of a solemn prosecution before the coming into force of those sections and that Schedule.
- 7 Section 34 of, and Schedule 3 to, this Act shall not apply in relation to an appeal against an order made on the final determination of a summary prosecution before the coming into force of that section and Schedule.
- 8 A provision contained in paragraph 24 of Schedule 7 to this Act shall not affect the operation of the <sup>M1</sup>Rehabilitation of Offenders Act 1974 as regards any disposal which predates the coming into force of that provision.

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#### Marginal Citations

M1 1974 c. 53.

- 9 In the application of section 66 of this Act to proceedings instituted before the coming into force of the <sup>M2</sup>Magistrates' Courts Act 1980, for the reference to

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section 91 of that Act in subsection (1) of the said section 66 there shall be substituted a reference to section 72B of the <sup>M3</sup>Magistrates' Courts Act 1952.

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**Marginal Citations**

**M2** 1980 c. 43.

**M3** 1952 c. 55.

10 In the application of section 38A of the <sup>M4</sup>Criminal Law Act 1977 to the execution of extract convictions and warrants before the coming into force of the <sup>M5</sup>Magistrates' Courts Act 1980, for the reference to section 150(3) of the said Act of 1980 in the said section 38A there shall be substituted a reference to section 102(4) of the Magistrates' Courts Act 1952.

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**Marginal Citations**

**M4** 1977 c. 45.

**M5** 1980 c. 43.

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