

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 83(2).

MINOR AND CONSEQUENTIAL AMENDMENTS

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

1—6 F1

Textual Amendments

F1 Sch. 5, Sch. 7 paras. 1–6, 14, 15, 17–20 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), Sch. 3

7 F2

Textual Amendments

F2 Sch. 7 paras. 7, 12, 50 repealed by Criminal Justice Act 1982 (c. 48), Sch. 16

8 In section 29(1) (removal for judicial purposes) after the words “young offenders centre” there shall be inserted the words “, young offenders institution”.

Modifications etc. (not altering text)

C1 The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

9 In section 30(3) (prisoners unlawfully at large) after the words “young offenders centre” there shall be inserted the words “, young offenders institution”.

Modifications etc. (not altering text)

C2 The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

10 In section 32(2) (extension throughout the United Kingdom of certain enactments relating to supervision and recall)—

(a) paragraph (b) shall cease to have effect ;

(b) in paragraph (f), the word “11” shall cease to have effect ; and

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(c) in paragraph (i) for the words “214” there shall be substituted the words “212, 214, 421”.

Modifications etc. (not altering text)

C3 The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

11 In section 38 (construction of references to sentence of imprisonment)—

(a) in subsection (3)(a)—

- (i) the words “corrective training, preventive detention,” shall cease to have effect ;
- (ii) at the end there shall be added the words “ or young offenders institution ” ; and

(b) in subsection (5)(a), the words “in a young offenders institution” shall cease to have effect.

Modifications etc. (not altering text)

C4 The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

12 F3

Textual Amendments

F3 Sch. 7 paras. 7, 12, 50 repealed by [Criminal Justice Act 1982 \(c. 48\)](#), [Sch. 16](#)

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

13 In section 9(4)(a) (transfer between institutions), after the words “1957” there shall be inserted the words “ the Armed Forces Act 1976 ”.

Modifications etc. (not altering text)

C5 The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

14, 15. F4

Textual Amendments

F4 Sch. 5, Sch. 7 paras. 1–6, 14, 15, 17–20 repealed by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), [Sch. 3](#)

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

16 In section 1 (scope and general conditions of legal aid), at the end of subsection (7) there shall be added the following proviso—

“:Provided that nothing in this section shall preclude a person from being given legal aid in connection with summary proceedings after conviction and before sentence where the court is considering a sentence of imprisonment or detention or the imposition of imprisonment, or detention, under section 396(2) of the Criminal Procedure (Scotland) Act 1975 in respect of failure to pay a fine, and he has not previously been sentenced to imprisonment, or detention as defined in section 41(2) (b) of the Criminal Justice (Scotland) Act 1980.”.

Modifications etc. (not altering text)

C6 The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

17–20. ^{F5}

Textual Amendments

F5 Sch. 5, Sch. 7 paras. 1–6, 14, 15, 17–20 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), Sch. 3

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

21 In section 42 (conduct of children’s hearing and application to sheriff for findings), after subsection (2) there shall be inserted the following subsection—

“(2A) Where the ground for referral is that the child is in need of compulsory measures of care because he has committed an offence, the sheriff to whom an application under subsection (2)(c) above shall be made shall be the sheriff who would have jurisdiction if the child were being prosecuted for that offence.”

^{F6} *The Road Traffic Act 1972 (c. 20)*

Textual Amendments

F6 Sch. 7 para. 22 repealed (*prosp.*) by Transport Act 1981 (c. 56, SIF 107:1), Sch. 12 Pt. III

22 In section 10(4) (evidence by certificate)—

- (a) after the word “Scotland” there shall be inserted “ (a) ”; and
- (b) at the end there shall be inserted the following paragraph—

“(b) A written execution purporting to be signed by the person who served a copy of the certificate or of the notice in terms of subsection (3) above, together with, where appropriate, a post office receipt for the relative registered

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or recorded delivery letter shall be sufficient evidence of service of such a copy.”.]

Modifications etc. (not altering text)

C7 The text of Sch. 7 para. 22, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

23

F7

Textual Amendments

F7 Sch. 7 para. 23 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 3, [Sch. 1 Pt. I](#)

The Rehabilitation of Offenders Act 1974 (c. 53)

24

In section 5 (rehabilitation periods for particular sentences)—

- (a) in subsection (1)(d)—
 - (i) after the word “life”, there shall be inserted the words “ or under section 205(2) or (3) of the Criminal Procedure (Scotland) Act 1975, ” ; and
 - (ii) for the words “or under section 57 of the Children and Young Persons (Scotland) Act 1937 (young offenders convicted of grave crimes)” there shall be substituted the words “ (young offenders convicted of grave crimes) or under section 206 of the said Act of 1975 (detention of children convicted on indictment) ” ;
- (b) in subsection (2), in Table B, in the first column—
 - (i) for the words “57 of the said Act of 1937” there shall be substituted the words “ 206 of the Criminal Procedure (Scotland) Act 1975 ” ; and
 - (ii) the words “or under section 7 of the Criminal Justice (Scotland) Act 1963” shall cease to have effect ;
- (c) in subsection (5) for paragraph (c) there shall be substituted the following paragraph—
 - “(c) an order under section 413 of the Criminal Procedure (Scotland) Act 1975 committing a child for the purpose of his undergoing residential training ;” ; and
- (d) in subsection (9)—
 - (i) in paragraph (a), for the words “in a young offenders institution in Scotland” there shall be substituted the words “ under section 207 or 415 of the Criminal Procedure (Scotland) Act 1975 ” ; and
 - (ii) in paragraph (b) for the words “section 57 of the said Act of 1937” there shall be substituted the words “ section 206 of the said Act of 1975 ”.

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Modifications etc. (not altering text)

- C8** The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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

F8²⁵

Textual Amendments

- F8** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F9²⁶

Textual Amendments

- F9** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, s. 6, 7(2), **Sch 5**(with Sch.3 Pt.11, paras. 1, 16, 17)

F10²⁷

Textual Amendments

- F10** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F11²⁸

Textual Amendments

- F11** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F12²⁹

Textual Amendments

- F12** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F13³⁰

Textual Amendments

- F13** Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F14³¹

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Textual Amendments

F14 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F15}32

Textual Amendments

F15 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, s. 4, 6 Sch 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F16}33

Textual Amendments

F16 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F17}34

Textual Amendments

F17 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F18}35

Textual Amendments

F18 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F19}36

Textual Amendments

F19 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F20}37

Textual Amendments

F20 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F21}38

Textual Amendments

F21 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F22}39

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Textual Amendments

F22 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F23 40

Textual Amendments

F23 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F24 41

Textual Amendments

F24 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F25 42

Textual Amendments

F25 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F26 43

Textual Amendments

F26 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F27 44

Textual Amendments

F27 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F28 45

Textual Amendments

F28 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F29 46

Textual Amendments

F29 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

F30 47

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Textual Amendments

F30 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F31}48

Textual Amendments

F31 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, s. 4, 6 Sch 5 (with Sch.3 Pt.11, paras. 1, 16, 17)

^{F32}49

Textual Amendments

F32 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

50 ^{F33}

Textual Amendments

F33 Sch. 7 paras. 7, 12, 50 repealed by Criminal Justice Act 1982 (c. 48), **Sch. 16**

^{F34}51

Textual Amendments

F34 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F35}52

Textual Amendments

F35 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F36}53

Textual Amendments

F36 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F37}54

Textual Amendments

F37 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F38}55

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Textual Amendments

F38 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F39}56

Textual Amendments

F39 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F40}57

Textual Amendments

F40 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F41}58

Textual Amendments

F41 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F42}59

Textual Amendments

F42 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F43}60

Textual Amendments

F43 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F44}61

Textual Amendments

F44 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F45}62

Textual Amendments

F45 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F46}63

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Textual Amendments

F46 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F47}64

Textual Amendments

F47 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F48}65

Textual Amendments

F48 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F49}66

Textual Amendments

F49 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F50}67

Textual Amendments

F50 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F51}68

Textual Amendments

F51 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F52}69

Textual Amendments

F52 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F53}70

Textual Amendments

F53 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

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Textual Amendments

F54 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F55}72

Textual Amendments

F55 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F56}73

Textual Amendments

F56 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F57}74

Textual Amendments

F57 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F58}75

Textual Amendments

F58 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F59}76

Textual Amendments

F59 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F60}77

Textual Amendments

F60 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

^{F61}78

Textual Amendments

F61 Sch. 7 paras. 25-78 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 1, 16, 17)

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The Criminal Law Act 1977 (c. 45)

- 79 In section 39(3) (service of summonses and citations throughout the United Kingdom)—
- (a) after the word “include” there shall be inserted “ (a) ” ; and
 - (b) at the end there shall be added the following paragraph—
 - “(b) persons authorised by a chief officer of police in England or Wales to serve summonses there.”.

Modifications etc. (not altering text)

- C9** The text of Schs. 2–4, Sch. 7 paras 8–11, 13, 16, 21, 24–49, 51–79 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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