

## SCHEDULES

### SCHEDULE 7

Section 83(2).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 1 In section 14 (legalised police cells), after subsection (7), there shall be added the following subsection—
  - “(8) For the purposes of sections 7 and 35 of this Act, legalised police cells shall be deemed to be prisons.”.
- 2 In section 28(2) (discontinuance of prison) for the words " young offenders institution or Borstal institution " there shall be substituted the words " or young offenders institution ".
- 3 In section 31 (remand centres, etc.)—
  - (a) in subsection (1)—
    - (i) in paragraph (b) for the words from " not less " to " 1949" there shall be substituted the words " upon whom detention therein has been imposed under section 207 or 415 of the Criminal Procedure (Scotland) Act 1975 ";
    - (ii) paragraph (c) shall cease to have effect; and
    - (iii) in paragraph (d) for the words " the Criminal Justice (Scotland) Act 1963 " there shall be substituted the words " section 207 or 415 of the Criminal Procedure (Scotland) Act 1975 ";
  - (b) in subsection (3) ,for the words " young offenders institution and Borstal institution " there shall be substituted the words " and young offenders institution ";
  - (c) in subsection (4), for the words " young offenders institutions and Borstal institutions " there shall be substituted the words " and young offenders institutions " and for the words " young offenders institutions or Borstal institutions " there shall be substituted the words " or young offenders institutions ".
- 4 In section 34 (temporary detention) for the words " Borstal institution or a young offenders institution " there shall be substituted the words " young offenders institution or a detention centre ".
- 5 In section 35 (rules for the management of prisons and other institutions)—
  - (a) in subsection (1), for the words " young offenders institutions and Borstal institutions " there shall be substituted the words " and young offenders institutions ";
  - (b) in subsection (5)(c), for the words " Criminal Appeal (Scotland) Act 1926" there shall be substituted the words " Criminal Procedure (Scotland) Act 1975 ";

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- (c) in subsection (6), for the words ", corrective training, preventive detention, detention in a young offenders institution or Borstal training" there shall be substituted the words " or detention ".

6 In section 37 (persons unlawfully at large)—

- (a) in subsection (1), for the words from " corrective training " to " detained in a " there shall be substituted the words " or to detention in a young offenders institution or ";
- (b) in subsection (2)—
  - (i) for the words from " corrective training " to " detained in a " there shall be substituted the words " or to detention in a young offenders institution or ";
  - (ii) the words " Borstal institution", in both places where they occur, shall cease to have effect; and
- (c) after subsection (2) there shall be inserted the following subsection—
 

“(2A) Without prejudice to section 69(2) of the Criminal Justice Act 1967, in subsection (2) above references to a prison shall be construed as including references to a place which is the subject of a direction of the Secretary of State under section 206(1) of the Criminal Procedure (Scotland) Act 1975.”.

*The Criminal Justice Act 1961 (c. 39)*

7 In section 26 (transfer to serve sentence)—

- (a) in subsection (5)—
  - (i) for the words "any part of the United Kingdom other than Northern Ireland " there shall be substituted the words " England and Wales ";
  - (ii) for the words " that part of the United Kingdom " there shall be substituted the words " England and Wales ";
  - (iii) the proviso shall cease to have effect;
- (b) after subsection (5A) there shall be inserted the following subsection—
 

“(5B) Where a person sentenced to borstal training is transferred under this section to Scotland the provisions applicable to him shall be those applicable to a person sentenced in Scotland to detention in a young offenders institution:

Provided that—

  - (a) the maximum and minimum periods for which he may be detained in a young offenders institution shall be those prescribed by section 45(2) of the Prison Act 1952 as amended by section 11 of this Act;
  - (b) at any time after the expiry of such minimum period he may be released on the direction of the Secretary of State ; and
  - (c) the period after his release (whether on a direction under paragraph (b) above or on the expiry of such maximum period) during which he remains under supervision and liable to be recalled shall be that which would have applied

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under the law of the place where he was sentenced if he had been released there.”.

- 8 In section 29(1) (removal for judicial purposes) after the words " young offenders centre " there shall be inserted the words " , young offenders institution ".
- 9 In section 30(3) (prisoners unlawfully at large) after the words " young offenders centre " there shall be inserted the words " young offenders institution ".
- 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
  - (c) in paragraph (i) for the words " 214" there shall be substituted the words " 212, 214, 421 ".
- 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.
- 12 In section 39(1) (interpretation)—
- (a) in paragraph (a) of the definition of " appropriate institution", for the words "any part of the United Kingdom other than Northern Ireland " there shall be substituted the words " England and Wales ";
  - (b) in paragraph (b) of that definition, the words " England and Wales or" shall cease to have effect; and
  - (c) in paragraph (bb) of that definition, for the words " sentenced to imprisonment when under twenty-one years of age " there shall be substituted the words " under twenty-one years of age who is serving a sentence of—
    - (i) imprisonment;
    - (ii) borstal training ; or
    - (iii) detention in a young offenders centre in Northern Ireland, and ".

*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 ".
- 14 In section 50(2) (general provision as to orders), for the words " 12(2) " there shall be substituted the words " 12(5) ".
- 15 In section 51 (interpretation)—
- (a) in subsection (2), for the words " or the Air Force Act 1955 " there shall be substituted the words " the Air Force Act 1955 or the Armed Forces Act 1976 "; and
  - (b) in subsection (3), for the words " in a young offenders institution " there shall be substituted the words " under section 207 or 415 of the Criminal Procedure (Scotland) Act 1975 ".

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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.”.

*The Criminal Justice Act 1967 (c.80)*

- 17 In section 60(8X6) (release on licence), for the words "in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952 " there shall be substituted the words " under section 207 or 415 of the Criminal Procedure (Scotland) Act 1975 ".

- 18 In section 61 (release on licence of persons sentenced to imprisonment for life etc.), in subsection (4) for paragraphs (a) and (b) there shall be substituted the following paragraphs—

- “(a) in subsection (1) for the words from ' section' to the end there shall be substituted the words ' section 205(2) or (3) of the Criminal Procedure (Scotland) Act 1975 (persons under 21 convicted of murder): but shall not release on licence such a person except after consultation with the Lord Justice General together with the trial judge if available.';
- (b) subsection (3) shall be omitted.”.

- 19 In section 62 (revocation of licences, etc.)—

- (a) in subsection (11), for the words "206" there shall be substituted the words " 205(2) "; and
- (b) after subsection (11) there shall be added the following subsection—

“(12) This section shall have effect, in its application to a person sentenced to be detained under section 205(3), 207 or 415 of the said Act of 1975 (detention of young offenders) as if for any reference to a prison there were substituted a reference to a young offenders institution.”.

- 20 In section 64(2)(a) (conditions in licences of persons transferred from another part of the United Kingdom, the Channel Islands or the Isle of Man), for the words " section 60 " there shall be substituted the words " sections 60 and 61 ".

*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

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sheriff who would have jurisdiction if the child were being prosecuted for that offence.”.

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

- 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 or recorded delivery letter shall be sufficient evidence of service of such a copy.”.
- 23 In section 94(3), for the word " conviction " there shall be substituted the word " sentence ".

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

25 In section 19(1) (prisoners before examination to have access to solicitor), the existing words after " arrest" shall be paragraph (a) of the subsection and after that paragraph there shall be inserted the following paragraph—

“(b) to be told what rights there are under paragraph (a) above and subsections (2) and (3) below.”.

26 At the end of section 28 (admission or refusal of bail after committal), there shall be added the following subsection—

“(3) For the avoidance of doubt, the provisions of section 26 of this Act and the foregoing provisions of this section apply whether or not the person is in custody at such time as he appears for the disposal of his application.”.

27 In section 71 (manner of service of indictment, etc.), for the words from " macer " to the end there shall be substituted the words " officer of law " .

28 In section 81 (examination by prosecutor of witnesses not included in lists lodged), at the beginning there shall be inserted the words " Without prejudice to section 82A of this Act, " .

29 In section 98 (jurors to be cited by registered letter or recorded delivery), after the word " delivery " there shall be inserted the words " or to be served on him by an officer of law " .

30 In section 100(2) (rules of court in relation to jurors) for the words from " The rules of court" to " to this Act." there shall be substituted the words " The provisions of Schedule 3 to this Act shall have effect as if they were rules of court made under this subsection. " .

31 After section 111 there shall be inserted the following section—

**“111A Computation of period.**

Where the last day of any period mentioned in section 75, 76, 76A or 80 of this Act falls on a Saturday, Sunday or court holiday, such period shall extend to and include the next day which is not a Saturday, Sunday or court holiday.”.

32 In the proviso to section 113(4) (judges in High Court), after the word "importance" there shall be inserted the words " in Edinburgh or on circuit " and after the word " preside " there shall be inserted the words " for the whole or any part of the trial. " .

33 In section 141(1) (accused and spouse competent witnesses for defence), for the words " competent witnesses" there shall be substituted the words " a competent witness " .

34 In section 168 (power of court, in respect of certain offences against a child, to refer child to reporter), for the words from " committed " to " reporter " there shall be substituted the words—

“committed any offence—

- (a) under section 21 of the Children and Young Persons (Scotland) Act 1937 ;
- (b) mentioned in Schedule 1 to this Act; or

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- (c) in respect of a female person aged 17 years or over which constitutes the crime of incest,

may refer—

- (i) the child in respect of whom the offence mentioned in paragraph (a) or (b) above has been committed ; or  
(ii) any child who is, or who is likely to become, a member of the same household as the person who has committed the offence mentioned in paragraph (b) or (c) above,

to the reporter”.

- 35 In section 173(3) (reference and remit of children's cases by courts to children's hearings), for the words " shall request" there shall be substituted the words—

“dealing with the case if it is—

- (a) the High Court, may ; and  
(b) the sheriff court, shall,

request”.

- 36 In section 179 (power of court, in solemn proceedings, to adjourn a case before sentence)—

- (a) in subsection (1) there shall be inserted before the proviso the words " or ordain him to appear at the adjourned diet "; and  
(b) in subsection (2), for paragraph (a) there shall be substituted the following paragraph—

“(a) review the order appealed against and either grant bail on such conditions as it thinks fit or ordain the accused to appear at the adjourned diet;”.

- 37 In section 193A (fines on conviction on indictment to be without limit), after the word " summarily " there shall be inserted the words—

“other than by virtue of section 8 of the Criminal Justice (Scotland) Act 1980”.

- 38 In section 212 (recall to young offenders institution on reconviction), in subsection (1)—

- (i) for the words " young offenders institution " there shall be substituted the words " under section 207 of this Act "; and  
(ii) for the words from " instead" to the end there shall be substituted the words " , except where the person convicted is subject to a licence granted under section 60 (1) or section 61 of the Criminal Justice Act 1967, make an order for his recall. ".

- 39 For section 215 (legal custody) there shall be substituted the following section—

**“215 Legal custody.**

Any person required or authorised by or under this Act or Part I of the Criminal Justice (Scotland) Act 1980 to be taken to any place, or to be detained or kept in custody shall, while being so taken or detained or kept, be deemed to be in legal custody.”.

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- 40 In section 218 (consideration of time spent in custody), the words "in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952" shall cease to have effect.
- 41 In section 241 (notice to authorities, etc. of date of hearing), for the words "Prison Commissioners for Scotland" in both places where they occur there shall be substituted the words "Secretary of State".
- 42 In section 242 (notice to Prison Commissioners of attendance of appellant at hearing), for the words "Prison Commissioners for Scotland" and "said Commissioners" there shall in each case be substituted the words "Secretary of State".
- 43 In section 243 (warders to attend court), for the words "Prison Commissioners for Scotland" there shall be substituted the words "Secretary of State" and for the word "warders" there shall be substituted the words "prison officers".
- 44 In section 251(5) (appeal against refusal of application), for the words "Prison Commissioners for Scotland" there shall be substituted the words "Secretary of State".
- 45 In section 261 (notice of determination of appeal), for the words "Prison Commissioners for Scotland" there shall be substituted the words "Secretary of State".
- 46 In section 268(4) (reckoning of time spent pending appeal) for the words "Borstal institution" there shall be substituted the words "young offenders institution".
- 47 In section 282 (Acts of Adjournal), the existing words shall be subsection (1) and at the end of that subsection there shall be added the following subsection—
- “(2) The High Court may by Act of Adjournal modify, amend or repeal any enactment, including an enactment contained in this Part of this Act, in so far as that enactment relates to matters with respect to which an Act of Adjournal may be made under subsection (1) above.”.
- 48 In section 283(1) (application of Part II of this Act)—
- (a) in paragraph (b) for the word "statute" there shall be substituted the words "enactment or rule of law"; and
  - (b) at the end of that paragraph there shall be inserted the words "as well as, in accordance with section 196(1) of this Act, to the enforcement of a fine imposed in solemn proceedings".
- 49 In section 283A(1) (offences which are to become triable only summarily), at the beginning there shall be inserted the words—
- “Subject to section 8 of the Criminal Justice (Scotland) Act 1980, but otherwise”.
- 50 In section 289D (power to alter sums specified in certain provisions)—
- (a) in subsection (2), after the word "(3)" there shall be inserted the words "or (3A)"; and
  - (b) after subsection (3) there shall be inserted the following subsection—
- “(3A) This subsection applies to a sum mentioned in—
- (a) section 186(2)(a) of this Act in relation to the penalty for a breach of a probation order;



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- (b) section 284(b) of this Act in relation to the power of the district court to impose a fine on conviction of a common law offence ;
- (c) section 284(c) of this Act in relation to the power of the district court to ordain the accused to find caution on conviction of a common law offence ;
- (d) section 285(b)(iii) of this Act in relation to the jurisdiction of the district court to try certain common law offences ;
- (e) section 312(z) of this Act in relation to stating the value of property in a charge ;
- (f) section 344(1) of this Act in relation to the penalty for certain contempts of court;
- (g) section 387(2)(a) of this Act in relation to the penalty for breach of a probation order;
- (h) section 407(1A) of this Act in relation to imprisonment for non-payment of a fine or for failure to find caution ;
- (i) section 435(e) of this Act in relation to the award of expenses against an accused ;
- (j) section 453(3) of this Act in relation to the award of expenses to an appellant;
- (k) section 7(1) of the Criminal Justice (Scotland) Act 1980 in relation to the jurisdiction of the district court to try certain statutory offences ;
- (l) section 9(2) of the said Act of 1980 in relation to the penalty for failure to attend for precognition on oath;
- (m) section 9(3) of the said Act of 1980 in relation to the penalty for refusal to give evidence, or for prevarication, during precognition on oath; or
- (n) section 59(3)(b) of the said Act of 1980 in relation to the power of the district court to make a compensation order.”.

51 At the end of section 298 (all offences to be bailable), there shall be added the following subsection—

“(3) For the avoidance of doubt, the foregoing provisions of this section apply whether or not the person is in custody at such time as he appears for the disposal of his application.”.

52 In section 305 (intimation to solicitor)—

(a) for the word " apprehended " and for the word " apprehension " there shall be substituted respectively the word " arrested " and the words " such arrest " ;

(b) the existing words after " entitled " shall be paragraph (a) of the section ; and

(c) after that paragraph there shall be inserted the following paragraph—

“(b) to be told what his rights under paragraph (a) above are.”.

53 In section 310 (incidental applications), after the words "prior to" there shall be inserted the words " or after " ; and the word " subsequent " where it first occurs shall cease to have effect.

54 In section 334 (procedure at first diet, etc.)—

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- (a) in subsection (1) for the words from " objections " where it first occurs to " stated " there shall be substituted the words " an objection to the competency or relevancy of the complaint or the proceedings or issue a denial that he is the person charged by the police with the offence ; and no such objection or denial shall be allowed to be stated or issued ";
- (b) for subsection (2) there shall be substituted the following subsection—

“(2) In the absence of the accused, an objection to the competency or relevancy of a summary complaint or the proceedings thereon may be stated, or a denial that the accused is the person charged by the police with the offence may be issued, by counsel or by a solicitor on his behalf; and where such an objection is stated or denial is issued, the provisions of this Part of this Act shall apply in like manner as if the accused had appeared and stated the objection or issued the denial.”.

55 In section 344(4)(a) (failure of witness to attend for precognition) for the words " 24" there shall be substituted the words " 48 ".

56 In section 346(1) (accused and spouse competent witnesses for defence), for the words " competent witnesses " there shall be substituted the words " a competent witness ".

57 In section 364 (power of court, in respect of certain offences against a child, to refer child to reporter), for the words from " committed " to " reporter " there shall be substituted the words—

“committed any offence—

- (a) under section 21 of the Children and Young Persons (Scotland) Act 1937 ;
- (b) mentioned in Schedule 1 to this Act; or
- (c) in respect of a female person aged 17 years or over which constitutes the crime of incest,

may refer—

- (i) the child in respect of whom the offence referred to in paragraph (a) or (b) above has been committed; or
- (ii) any child who is, or who is likely to become, a member of the same household as the person who has committed the offence mentioned in paragraph (b) or (c) above,

to the reporter”.

58 In section 370 (child charged jointly with person who is not a child) for the words " , 367 and 374 " there shall be substituted the words " and 367 ".

59 In section 380 (power of court, in summary proceedings, to adjourn a case before sentence)—

- (a) in subsection (1) there shall be inserted before the proviso the words " or ordain him to appear at the adjourned diet "; and
- (b) in subsection (2), for paragraph (a) there shall be substituted the following paragraph—

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- “(a) review the order appealed against and either grant bail on such conditions as it thinks fit or ordain the accused to appear at the adjourned diet;”.
- 60 In section 395(2) (provisions as to fines), for the words " detention centre " there shall be substituted the words " young offenders institution " .
- 61 In section 398(1) (restriction on imprisonment after fine or caution), for the words " his means in his presence " there shall be substituted the words " in his presence the reason why the fine has not been paid " .
- 62 In section 399 (payment of fine by instalments)—
- (a) in subsection (1), the words from " and it" to the end shall cease to have effect; and
  - (b) for subsection (2) there shall be substituted the following subsections—
- “(2) Where the court has ordered payment of a fine by instalments it may—
- (a) allow further time for payment of any instalment thereof ;
  - (b) order payment thereof by instalments of lesser amounts, or at longer intervals, than those originally fixed.
- (3) The powers conferred by subsection (2) above shall be exercisable without requiring the attendance of the accused.”.
- 63 At the end of section 401 (supplementary provisions as to payment of fine) there shall be added the following subsection—
- “(3) Where a warrant has been issued for the apprehension of an offender for non-payment of a fine, the offender may, notwithstanding section 412 of this Act, pay such fine in full to a constable ; and the warrant shall not then be enforced and the constable shall remit the fine to the clerk of court.”.
- 64 In section 407(3) (period of imprisonment for non-payment of fine) for the words " subsection (1)" there shall be substituted the words " subsection (1A) " .
- 65 In section 409(1) (payment of fine in part by prisoner), for the words from " by a number " to the end there shall be substituted the words " (or as the case may be further reduced) by a number of days bearing as nearly as possible the same proportion to such term as the sum so paid bears to the amount of the fine outstanding at the commencement of the imprisonment:
- Provided that the day on which any sum is paid shall not be regarded as a day served by the prisoner as part of the said term of imprisonment." .
- 66 In section 411(1) (recovery by civil diligence), for the words " poiding the sale " , " ten free " and " small debt court " there shall be substituted, respectively, the words " poiding and sale " , " 14 " and " in a summary cause " .
- 67 In section 421(1) (recall to young offenders institution on reconviction)—
- (a) for the words " young offenders institution " there shall be substituted the words " under section 415 of this Act "; and
  - (b) for the words from " instead" to the end there shall be substituted the words " , except where the person convicted is subject to a licence granted under section 60(1) or section 61 of the Criminal Justice Act 1967, make an order for his recall. " .

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68 In section 424 (detention in precincts of court), after the word " imprisonment" there shall be inserted the words " or detention " .

69 For section 426 (legal custody) there shall be substituted the following section—

**“426 Legal custody.**

Any person required or authorised by or under this Act or Part I of the Criminal Justice (Scotland) Act 1980 to be taken to any place, or to be detained or kept in custody shall, while being so taken or detained or kept, be deemed to be in legal custody.”.

70 In section 431 (consideration of time spent in custody), the words "in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952 " shall cease to have effect.

71 For section 436 (forfeiture of implements) there shall be substituted the same provisions as constitute section 223 (forfeiture of property).

72 In section 457 (Acts of Adjournal), at the end there shall be added the following paragraph—

“(d) to modify, amend or repeal any enactment, including an enactment contained in this Part of this Act, in so far as that enactment relates to matters with respect to which an Act of Adjournal may be made under this section.”.

73 In section 458 (construction of enactments referring to sentence of detention) for the words " in a young offenders institution " there shall be substituted the words " under section 207 or 415 of this Act " .

74 In section 459 (construction of enactments referring to detention) for the words " in a young offenders institution " there shall be substituted the words " under section 207 or 415 of this Act " .

75 In section 460 (transitional provisions and savings) subsection (6), which is superseded by the provisions inserted by paragraphs 47 and 72 above, shall cease to have effect.

76 In section 462(1) (interpretation)—

- (a) at the appropriate place there shall be inserted the definition " ' diet ' includes any continuation of a diet; " ;
- (b) in the definition of " impose detention " and " impose imprisonment ", for the words " failing to do or abstain from doing anything required to be done or left undone " there shall be substituted the words " contempt of court " ; and
- (c) for the definition of " sentence " there shall be substituted the definition " ' sentence', whether of detention or of imprisonment, means a sentence passed in respect of a crime or offence and does not include an order for committal in default of payment of any sum of money or for contempt of court. " .

77 In section 463 (extent) after subsection (1) there shall be added the following subsection—

“(1A) Sections 169 and 374 of this Act shall extend to Northern Ireland.”.

78 In Schedule 3 (composition of juries)—

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- (a) in paragraph 2—
  - (i) for the words from " be made " to " by him)." there shall be substituted the words " be lodged, at least 15 clear days before the trial diet, with the clerk of the court before which that diet is to be. "; and
  - (ii) for the words " the presiding sheriff " there shall be substituted the words " a judge of that court; and that judge shall deal with the application in chambers. The accused, if represented by counsel or by a solicitor, shall not be entitled to attend. " ; and
- (b) for paragraphs 3 and 4 there shall be substituted the following paragraph—
  - “3 The judge's decision under the foregoing rule shall be recorded on the record copy of the indictment and shall be final.”.

*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.”.