

**1981 No. 50 (C. 1) (S. 5)****CRIMINAL LAW, SCOTLAND**  
**The Criminal Justice (Scotland) Act 1980**  
**(Commencement No. 1) Order 1981***Made* - - - - - *15th January 1981*

In exercise of the powers conferred upon me by section 84(2) of the **Criminal Justice (Scotland) Act 1980(a)** and of all other powers enabling me in that behalf I hereby make the following order:—

1.—(1) This order may be cited as the **Criminal Justice (Scotland) Act 1980 (Commencement No. 1) Order 1981**.

(2) In this order, “the Act” means the **Criminal Justice (Scotland) Act 1980**.

2. The provisions of the Act which are referred to in column 1 of the Schedule to this order (which relate to the matters described in column 2 of that Schedule) shall come into force on 1st February 1981.

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House,  
Edinburgh.  
15th January 1981.

## SCHEDULE

## PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST FEBRUARY 1981

Column 1 Provisions of the Act	Column 2 Subject Matter of Provisions
Section 1	Suspect or potential witness may be required by constable to identify himself.
Section 4	Search for offensive weapons.
Section 7	Jurisdiction of district courts.
Section 8	Trial on indictment of summary offences.
Section 9	Citation of defence witness for precognition.
Section 11	Discharge and assignation of diets in summary procedure.
Section 14	Prevention of delay in trials.
Section 15	Intermediate diet in summary procedure.
Section 17	Failure of accused to attend diet in summary procedure.
Section 18	Desertion of trial diet.
Section 19	No case to answer.
Section 20	Correction of entries.
Section 21	Trial may proceed in accused's absence if he misconducts himself.
Section 22	Restrictions on report of proceedings involving person under 16.
Section 23	Peremptory challenge of jurors.
Section 24	Seclusion of jury after retiral.
Section 25	Interpretation of 1975 Act.
Sections 26, 27, 28, 29, 30, 31 and 32	Evidence.
Section 37	Lord Advocate's reference.
Sections 38 and 39	Miscellaneous.
Section 40	Previous conviction deemed to be admitted.
Section 41	Restriction on passing sentence of imprisonment or detention on person not legally represented.

Column 1 Provisions of the Act	Column 2 Subject Matter of Provisions
Section 42	Restriction on passing sentence of imprisonment on person not previously so dealt with.
Section 46	Increase of certain penalties and other sums.
Section 47	Application to solemn procedure of summary procedure provisions relating to fines.
Section 48	Enforcement of High Court fine by sheriff.
Section 49	Power to remit fines.
Section 50	Maximum period of imprisonment for non-payment of fine in summary proceedings.
Section 52	Recovery of fine or caution by civil diligence.
Section 53	Availability of probation after deferred sentence.
Section 54	Dealing with person who commits further offence while sentence is deferred.
Section 55	Disqualification and endorsement where orders for probation or for absolute discharge are made.
Section 56	Penalties for drunkenness.
Section 57	Penalty for second conviction of assault on constable.
Sections 68, 69, 70, 71, 72, 73, 74, 75, 76, 77	Sporting events: Control of Alcohol, etc.
Section 78	Vandalism.
Section 79	Grants in respect of hostel accommodation for persons under supervision.
Section 80	Homosexual offences.
Section 81	Interpretation etc.
Section 82	Financial provisions.
Section 83(1) to the extent necessary to give effect to the provisions of Schedule 6 specified below.	Transitional provisions.

Column 1 Provisions of the Act	Column 2 Subject Matter of Provisions
Section 83(2) to the extent necessary to give effect to the paragraphs of Schedule 7 specified in Column 1 of Appendix A hereto.	Minor and consequential amendments.
Section 83(3) to the extent necessary to give effect to the repeal of the enactments in Schedule 8 specified in Appendix B hereto.	Repeals.
Section 84(1) to (4)	Short title, commencement and extent.
Section 84(5) for the purpose of extending to England and Wales the provisions specified in Column 1 of Appendix C hereto (which relate to the matters described in Column 2 of that Appendix).	Extension to England and Wales.
Section 84(6) for the purpose of extending to Northern Ireland the provisions specified in Column 1 of Appendix D hereto (which relate to the matters described in Column 2 of that Appendix).	Extension to Northern Ireland.
Schedule 1	Certificates as to proof of certain routine matters.
In Schedule 6 paragraphs 1 to 8	Transitional provisions.
In Schedule 7 the paragraphs specified in Column 1 of Appendix A hereto (which amend the enactments specified in Column 2 of that Appendix).	Minor and consequential amendments.
Schedule 8 to the extent specified in Appendix B hereto.	Repeals.

## APPENDIX A

PROVISIONS OF SCHEDULE 7 TO THE ACT COMING INTO FORCE ON 1ST FEBRUARY 1981

Column 1 Provisions of Schedule 7 to the Act	Column 2 Enactment to be Amended
Paragraphs 1 and 5(b)	The Prisons (Scotland) Act 1952 (c. 61).
Paragraphs 8, 9 and 11(a)	The Criminal Justice Act 1961 (c. 39).
Paragraphs 13 and 15(a)	The Criminal Justice (Scotland) Act 1963 (c. 39).
Paragraph 16	The Legal Aid (Scotland) Act 1967 (c. 43).
Paragraph 20	The Criminal Justice Act 1967 (c. 80).
Paragraph 21	The Social Work (Scotland) Act 1968 (c. 49).
Paragraph 22	The Road Traffic Act 1972 (c. 20).
Paragraph 24(c)	The Rehabilitation of Offenders Act 1974 (c. 53).
Paragraphs 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 39, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 69, 71, 72, 75, 76, 77.	The Criminal Procedure (Scotland) Act 1975 (c. 21).
Paragraph 79	The Criminal Law Act 1977 (c. 45).

## APPENDIX B

## REPEALS IN SCHEDULE 8 TO THE ACT TAKING EFFECT ON 1ST FEBRUARY 1981

Chapter	Short Title	Extent of Repeal
1708 c. 21	The Treason Act 1708	Section 7
1800 c. 93	The Treason Act 1800	The whole Act.
1875 c. 86	The Conspiracy, and Protection of Property Act 1875	Section 11
1892 c. 55	The Burgh Police (Scotland) Act 1892	Section 382
1933 c. 12	The Children and Young Persons Act 1933	Section 26(5)
1945 c. 44	The Treason Act 1945	The whole Act.
1949 c. 94	The Criminal Justice (Scotland) Act 1949	Section 21 Section 75(3)(e)
1952 c. 61	The Prisons (Scotland) Act 1952	Section 7(4) Section 19 In section 31(4), in paragraph (i) of the proviso, the words “, section nineteen, subsections (2) to (6) of section twenty”; and paragraph (iv) of the proviso. Section 35(5)(a)
1960 c. 16	The Road Traffic Act 1960	Section 246
1962 c. 52	The Penalties for Drunkenness Act 1962	In section 1(2)(a) the words “the first paragraph of subsection (1) of section seventy of the Licensing (Scotland) Act 1903,” and in section 1(2)(b) the words “or the said section seventy”.
1967 c. 76	The Road Traffic Regulation Act 1967	Section 93
1967 c. 80	The Criminal Justice Act 1967	In Section 70(1) the words “corrective training or preventive detention.”
1968 c. 27	The Firearms Act 1968	In Schedule 6 Part II, paragraph 1.
1972 c. 20	The Road Traffic Act 1972	In Schedule 4 Part IV, paragraph 3.
1975 c. 14	The Social Security Act 1975	Section 147(6)

Chapter	Short Title	Extent of Repeal
1975 c. 21	The Criminal Procedure (Scotland) Act 1975	<p>In section 141, the words "and the spouse of the accused"; in proviso (b) the words "or the spouse of the accused"; provisos (c) and (d); and in proviso (g) the words "or section 143 of this Act".</p> <p>In section 191(1) the words "under this Part of this Act".</p> <p>In section 193(2) the words from "as" to the end.</p> <p>Section 195.</p> <p>Sections 197 to 202.</p> <p>In section 228, the proviso.</p> <p>In section 285, in paragraph (b), subparagraph (iv), and the proviso.</p> <p>Section 289D(3)(c).</p> <p>In section 296(5) the words "(including any continuation of diet)".</p> <p>In section 310 the word "subsequent" where it first occurs.</p> <p>In section 314(3) the words "or a later".</p> <p>Section 337(e).</p> <p>In section 346, the words "and the spouse of the accused"; in paragraph (b) of the proviso the words "or the spouse of the accused"; paragraphs (c) and (d) of the proviso; and in paragraph (g) of the proviso the words "or section 348 of this Act".</p> <p>Section 365.</p> <p>In section 392(1) the words "on indictment" and the words "under Part I of this Act".</p> <p>In section 399(1), the words from "and it" to the end.</p> <p>Section 405.</p> <p>Section 410.</p> <p>Section 411(2).</p> <p>Section 417.</p> <p>In section 434(3) the words from "and, without" to the end.</p> <p>Section 460(5) and (6).</p> <p>Schedule 4.</p> <p>In Schedule 7B, in paragraph 1, subparagraphs (1)(a) and (2)(c).</p>
1975 c. 61	The Child Benefit Act 1975	Section 11(8).
1976 c. 66	The Licensing (Scotland) Act 1976	Section 128(2).
1976 c. 67	The Sexual Offences (Scotland) Act 1976	Section 7. Section 16.
1976 c. 71	The Supplementary Benefits Act 1976	Section 26(5).

Chapter	Short Title	Extent of Repeal
1977 c. 45	The Criminal Law Act 1977	In Schedule 11, paragraphs 11 to 13.
1979 c. 2	The Customs and Excise Management Act 1979	Section 149(2).

## APPENDIX C

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST FEBRUARY 1981 AND EXTEND TO ENGLAND AND WALES

Column 1 Provisions of the Act	Column 2 Subject Matter of Provisions
Section 22	Restrictions on report of proceedings involving person under 16.
Section 84(1) to (5).	Short title, commencement and extent.
In Schedule 6— paragraph 2 so far as relating to section 22 of the Act. paragraph 8.	Transitional provisions.
In Schedule 7— paragraphs 8, 9, 11(a), 24(c), 58 and 79.	Consequential amendments.
Schedule 8 so far as it relates to section 365 of the Criminal Procedure (Scotland) Act 1975.	Repeals.



## APPENDIX D

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST FEBRUARY 1981 AND EXTEND TO NORTHERN IRELAND

Column 1 Provisions of the Act	Column 2 Subject Matter of Provisions
Section 22	Restrictions on report of proceedings involving person under 16.
Section 84(1) to (4) and (6)	Short title, commencement and extent.
In Schedule 6— paragraph 2 so far as relating to section 22 of the Act. paragraph 8.	Transitional provisions
In Schedule 7— paragraph 8, 9, 11(a) and 77.	Consequential amendments.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order brings into force on 1st February 1981 the provisions of the Criminal Justice (Scotland) Act 1980 which are referred to in Column 1 of the Schedule to the Order.

The provisions of the Act which are brought into force by this Order extend to Scotland only, with the exception of the provisions specified in Appendices C and D to the Schedule to the Order which also extend respectively to England and Wales and to Northern Ireland.

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