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STATUTORY INSTRUMENTS

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**1995 No. 2295 (C.45) (S.171)**

**CRIMINAL LAW, SCOTLAND**

**The Criminal Justice (Scotland) Act 1995 (Commencement  
No. 1, Transitional Provisions and Savings) Order 1995**

*Made - - - - 31st August 1995*

The Secretary of State, in exercise of the powers conferred upon him by section 118(2) and (3) of the Criminal Justice (Scotland) Act 1995(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and interpretation**

1. This Order may be cited as the Criminal Justice (Scotland) Act 1995 (Commencement No. 1, Transitional Provisions and Savings) Order 1995.

2. In this Order—

“the Act” means the Criminal Justice (Scotland) Act 1995; and

“the 1975 Act” means the Criminal Procedure (Scotland) Act 1975(2).

**Commencement of Provisions**

3.—(1) This Article has effect subject to the provisions of Articles 4 to 6 below.

(2) The provisions of the Act which are specified in column 1 of the Schedule to this Order shall, insofar as they are not then in force, come into force on 26th September 1995 but, where a particular purpose in relation to any such provision is specified in column 2 of that Schedule, that provision shall come into force on that day only for that purpose.

**Transitional Provisions and Savings**

4. Section 35 of the Act shall not affect the powers of a court in relation to an offence committed before 26th September 1995.

5. Section 42 of the Act shall not apply in relation to an appeal where the person was, before 26th September 1995, convicted of or, as the case may be, found to have committed the offence.

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(1) 1995 c. 20.  
(2) 1975 c. 21.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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6. Section 65 of the Act and the repeal, in Part I of Schedule 7 to the Act, of words in section 25(2) of the Legal Aid (Scotland) Act 1986<sup>(3)</sup> shall not apply in the case of an application for criminal legal aid in respect of an appeal under section 228(1) or 442(1)(a) of the 1975 Act where the person was, before 26th September 1995, convicted of or, as the case may be, found to have committed the offence.

St Andrew's House,  
Edinburgh  
31st August 1995

*James Douglas-Hamilton*  
Minister of State, Scottish Office

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(3) 1986 c. 47.

SCHEDULE

Article 3(2)

THE PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 26TH SEPTEMBER 1995

Column 1 Provisions of the Act	Column 2 Purpose
Section 22(1), (3), (4), (7) and (9)	
Section 35	
Section 42	
Section 43	
Section 65	
Section 117(1)	Only for the purpose of bringing into force the provisions of Schedule 6 to the Act specified in column 1 below
Section 117(2)	Only for the purpose of bringing into force the repeals in Schedule 7 to the Act which are referred to in column 1 below
Section 118	
Paragraph 87 of Schedule 6 to the Act	
In Part I of Schedule 7 to the Act, the repeals listed in the Table below	

**TABLE**

REPEALS

Chapter	Short Title	Extent of repeal
<a href="#">1975 c. 21</a>	The Criminal Procedure (Scotland) Act 1975	Section 256.
<a href="#">1980 c. 62</a>	The Criminal Justice (Scotland) Act 1980	In section 26, in subsection (2), the word “summary” and the words from “In the foregoing” to the end.
<a href="#">1986 c. 47</a>	The Legal Aid (Scotland) Act 1986	In section 25(2), the words “the Board is satisfied”.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force various provisions of the Criminal Justice (Scotland) Act 1995.

Article 3 of, and the Schedule to, the Order bring into force on 26th September 1995 the provisions listed in that Schedule subject to any restriction of purpose specified.

Articles 4, 5 and 6 make transitional and savings provisions.