STATUTORY INSTRUMENTS

1997 No. 1712 (C. 72) (S. 128)

CRIMINAL LAW, SCOTLAND

The Crime and Punishment (Scotland) Act 1997 (Commencement and Transitional Provisions) Order 1997

Made	- - - -		*10th July 1997*

The Secretary of State, in exercise of the powers conferred upon him by section 65(2) and (4) of the Crime and Punishment (Scotland) Act 1997(**1**) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Crime and Punishment (Scotland) Act 1997 (Commencement and Transitional Provisions) Order 1997.

Interpretation

2. In this Order–

"the Act" means the Crime and Punishment (Scotland) Act 1997;

"the 1995 Act" means the Criminal Procedure (Scotland) Act 1995(**2**).

Commencement of provisions

3. Subject to articles 4 and 5 below, the provisions of the Act which are specified in column 1 of the Schedule to this Order and described by reference to the subject matter in column 2 of that Schedule shall come into force on 1st August 1997 but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

Transitional Provisions

4. The coming into force of section 14 of the Act shall not affect the penalty for an offence committed before 1st August 1997.

5. Section 67A of the 1995 Act as inserted by section 57 of the Act shall apply only in the case of a citation served on or after 1st August 1997.

(**1**) 1997 c. 48.

(**2**) 1995 c. 46.

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St Andrew's House,
Edinburgh
10th July 1997

Henry B McLeish
Minister of State, Scottish Office

SCHEDULE Article 3

THE PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST AUGUST 1997

Column 1 *Provisions of the Act*	*Column 2* *Subject matter*	*Column 3* *Purpose*
Section 12	Sentence calculation where remand spent in hospital	
Section 14	Increase in maximum penalty for certain sexual offences	
Section 17	Right of appeal	
Section 20	Transfer of rights of appeal of deceased person	Only for the purpose of inserting sections 303A (1) and (2) and (4) to (6) after section 303 of the 1995 Act.
Section 21	Increased rights of appeal of prosecutor	
Section 23	Appeals against orders under section 49 of the 1995 Act	
Section 24	Suspension of certain sentences pending determination of appeal	Only for the purpose of inserting sections 121A(1) to (3) and (4)(a) to (c) and 193A(1) to (3) and (4)(a) to (c) into the 1995 Act.
Sections 26-32	Evidential provisions	
Section 47(1)(a), (b) and (d) and (2) to (5)	Record of evidence taken from external parts of body	
Section 55	Liberation of child by police	
Section 56	Powers of court on remand or committal of children and young persons	
Section 57	Precognitions	
Section 58	Information concerning jurors	
Section 59	Certification of previous convictions in criminal proceedings	
Section 60	Grants for forensic medical services	
Section 61	Confiscation of alcohol from persons under 18	
Section 62	Amendments and repeals	Only for the purpose of bringing into force the provisions of Schedules 1 and

Column 1	Column 2	Column 3
Provisions of the Act	*Subject matter*	*Purpose*
		3 specified or referred to in column 1 below.
Section 63(1)(a)(iii), and (c) and (2)	Financial provisions	
Section 64	Interpretation	
Section 65(1), (5) and (7)	Short title commencement and extent	
In Schedule 1, paragraphs 2, 6, 8, 9(1), (3)(b),(4) to (6) and (10) to (14), 10(1) and (2)(b), 11, 12(1) and (7), 16, 17, 18(1), (2)(b), (3) to (8), 19, 20, 21(1), (2), (4) and (9) to (15), (17), (19) to (22), (30), (32) and (34)(b)	Amendment of Enactments	
In Schedule 3, the repeals specified in the Table below	Repeals	

TABLE

Chapter	Short Title	Extent of Repeals
1967 c. 77.	The Police (Scotland) Act 1967	Section 6(2).
1968 c. 49.	The Social Work (Scotland) Act 1968	In section 27(1)(b), the word "and" where it appears after subparagraph (iv).
1976 c. 67.	The Sexual Offences (Scotland) Act 1976	The whole Act.
1993 c. 24.	The Video Recordings Act 1993	Section 5.
1995 c. 20.	The Criminal Justice (Scotland) Act 1995	Section 66.
1995 c. 25.	The Environment Act 1995	In Schedule 22, paragraph 35.
1995 c. 36.	The Children (Scotland) Act 1995	In Schedule 4, paragraph 35(6).
1995 c. 40.	The Criminal Procedure (Consequential Provisions) (Scotland) Act 1995	In Part II of Schedule 2, the entry relating to section 1(1) of the Protection of Animals (Scotland) Act 1912.
		In Schedule 4, paragraphs 6(4)(a) and (d), 16, 50(7)(b) and 53(3).

Chapter	Short Title	Extent of Repeals
1995 c. 46.	The Criminal Procedure (Scotland) Act 1995	In section 19(4)(b), the words ", print or impression".
		In section 74(4), the word "and" after paragraph (a).
		In section 81(6), the word ", signed".
		In section 85(1), the words from "but" to the end.
		Section 101(5).
		In section 104(1)(b), the word "additional".
		In section 118(4)(b), the word "additional".
		Section 140(3).
		In section 141(3), the words "signed by the prosecutor and".
		Section 154. In section 179(2), the word "additional".
		In section 182(5)(b), the word "additional".
		In section 189(1)(b), the word "additional".
		In section 204(2), the words from "and" to the end.
		In section 234A, subsection (5).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st August 1997 for the coming into force of the provisions of the Crime and Punishment (Scotland) Act 1997 which are specified in the Schedule to the Order.

Articles 4 and 5 make transitional provisions.