
STATUTORY INSTRUMENTS

2018 No. 46

**The Criminal Justice (Scotland) Act 2016
(Consequential Provisions) Order 2018**

Further modifications of enactments

Criminal Procedure (Scotland) Act 1995

15.—(1) Section 307 of the Criminal Procedure (Scotland) Act 1995 is modified in accordance with paragraphs (3) and (4).

(2) Those modifications do not apply in relation to a case in which a person is arrested or detained before this article comes into force.

(3) In subsection (1AA) the words “(within the meaning of Part 3 of the Criminal Law (Consolidation) (Scotland) Act 1995)(1)” are repealed.

(4) After that subsection insert—

“(1AB) In subsection (1AA)—

“immigration offence” means—

- (a) an offence involving conduct which relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement); or
- (b) (insofar as it is not an offence within paragraph (a)) an offence under the Immigration Acts or in relation to which a power of arrest is conferred on an immigration officer by the Immigration Acts;

“nationality offence” means an offence involving conduct which is undertaken for the purposes of, or otherwise in relation to, an enactment in—

- (a) the British Nationality Act 1981(2);
- (b) the Hong Kong Act 1985(3);
- (c) the Hong Kong (War Wives and Widows) Act 1996(4);
- (d) the British Nationality (Hong Kong) Act 1997(5);
- (e) the British Overseas Territories Act 2002(6);
- (f) an instrument made under any of those Acts.

(1AC) In subsection (1AB), “the Immigration Acts” has the meaning given by section 61 of the UK Borders Act 2007(7).”

(1) 1995 c.39.
(2) 1981 c.61.
(3) 1985 c.15.
(4) 1996 c.41.
(5) 1997 c.20.
(6) 2002 c.8.
(7) 2007 c.30.

Status: This is the original version (as it was originally made).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