



# Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

## PART 4 **S**

### GENERAL

#### 99 Meanings of “the 1967 Act”, “the 1995 Act” and “the 2003 Act” **S**

In this Act—

<sup>F1</sup>  
...

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995 (c. 46); and  
“the 2003 Act” means the Sexual Offences Act 2003 (c. 42).

#### Textual Amendments

**F1** Words in s. 99 repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 8 Pt. 1](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))

#### 100 Equal opportunities **S**

- (1) A person discharging a function by virtue of this Act shall discharge that function in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- (2) In subsection (1), “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c. 46).

#### 101 Modifications of enactments **S**

Schedule 6 (which contains modifications of enactments) has effect.

*Changes to legislation: Police, Public Order and Criminal Justice (Scotland) Act 2006, Part 4 is up to date with all changes known to be in force on or before 25 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### Commencement Information

- II** S. 101 wholly in force at 1.4.2007; s. 101 not in force at Royal Assent see s. 104; s. 101 in force at 1.9.2006 for specified purposes by S.S.I. 2006/432, art. 2(g); s. 101 in force at 1.1.2007 for specified purposes by S.S.I. 2006/607, art. 3, Sch; s. 101 in force at 1.4.2007 insofar as not already in force by S.S.I. 2007/84, art. 3(3)

## 102 Ancillary provision **S**

- (1) The Scottish Ministers may by order make such supplementary, incidental, consequential, transitory, transitional or saving provision as they consider necessary or expedient for the purposes of, in consequence of or for giving full effect to this Act or any provision of it.
- (2) An order under subsection (1) may modify any enactment (including this Act).

## 103 Subordinate legislation **S**

- (1) The powers of the Scottish Ministers under this Act to make orders and regulations are exercisable by statutory instrument.
- (2) Each of those powers includes power to make—
  - (a) different provision for different purposes; and
  - (b) supplementary, incidental, consequential, transitory, transitional or saving provision.
- (3) Subject to subsections (4) and (5), a statutory instrument containing an order or regulations made under this Act is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) The following statutory instruments are not to be made unless a draft of the instrument has been laid before, and approved by, the Scottish Parliament—
  - (a) a statutory instrument containing an order under section 18(1) or 24(1), paragraph 10(10) of schedule 1, <sup>F2</sup>... paragraph 9(1) of schedule 2 [<sup>F3</sup>or paragraph 7A(8) or 7B(4) of schedule 4 or regulations under section 41D(1)]; or
  - (b) a statutory instrument containing an order under section 102(1) containing provisions which add to, replace or omit any part of the text of an Act.
- (5) Subsection (3) does not apply to an order under section 104(1).

### Textual Amendments

- F2** Word in s. 103(4)(a) repealed (15.2.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(15\)\(a\)](#); S.S.I. 2013/47, art. 2 (with art. 3)
- F3** Words in s. 103(4)(a) inserted (15.2.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(15\)\(b\)](#); S.S.I. 2013/47, art. 2 (with art. 3)

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## 104 Commencement **S**

- (1) This Act comes into force in accordance with provision made by order by the Scottish Ministers.
- (2) Subsection (1) does not apply to this section or section 99, 100, 102, 103 or 105.

### Subordinate Legislation Made

- P1** **S. 104(1)** power partly exercised:
- 1.9.2006 appointed for specified provisions by **S.S.I. 2006/432, art. 2**;
  - 1.1.2007 appointed for specified provisions by **S.S.I. 2006/607, art. 3, Sch.**;
- different dates appointed for specified provisions by {**S.S.I. 2007/84**}, (with saving and transitional provisions in arts. 4-6)

## 105 Short title **S**

This Act may be cited as the Police, Public Order and Criminal Justice (Scotland) Act 2006.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47A inserted by [2023 c. 41 s. 45\(3\)](#)