



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

PART 1

SENTENCING

The Scottish Sentencing Council

- 1 The Scottish Sentencing Council
- 2 The Council's objectives
- 3 Sentencing guidelines
- 4 Consultation on proposed sentencing guidelines
- 5 Approval of sentencing guidelines by High Court
- 6 Effect of sentencing guidelines
- 7 Ministers' power to request that sentencing guidelines be prepared or reviewed
- 8 High Court's power to require preparation or review of sentencing guidelines
- 9 Publication of High Court guideline judgments
- 10 Scottish Court Service to provide sentencing information to the Council
- 11 The Council's power to provide information, advice etc.
- 12 Business plan
- 13 Annual report

Community payback orders

- 14 Community payback orders

Non-harassment orders

- 15 Non-harassment orders

Status: This is the original version (as it was originally enacted).

Short sentences

- 16 Short periods of detention
- 17 Presumption against short periods of imprisonment
- 18 Amendments of Custodial Sentences and Weapons (Scotland) Act 2007
- 19 Early removal of certain short-term prisoners from the United Kingdom

Other sentencing measures

- 20 Reports about supervised persons
- 21 Detention of children convicted on indictment
- 22 Pre-sentencing reports about organisations
- 23 Extended sentences for certain sexual offences
- 24 Effect of probation and absolute discharge
- 25 Offences aggravated by racial or religious prejudice
- 26 Voluntary intoxication by alcohol: effect in sentencing
- 27 Mutual recognition of judgments and probation decisions

PART 2

CRIMINAL LAW

Serious organised crime

- 28 Involvement in serious organised crime
- 29 Offences aggravated by connection with serious organised crime
- 30 Directing serious organised crime
- 31 Failure to report serious organised crime

Genocide, crimes against humanity and war crimes

- 32 Genocide, crimes against humanity and war crimes: UK residents
- 33 Genocide, crimes against humanity and war crimes: retrospective application

Articles banned in prison

- 34 Articles banned in prison

Crossbows, knives etc.

- 35 Sale and hire of crossbows to persons under 18
- 36 Sale and hire of knives and certain other articles to persons under 18

Offensive weapons etc.

- 37 Offensive weapons etc.

Threatening or abusive behaviour

- 38 Threatening or abusive behaviour

Stalking

- 39 Offence of stalking

Sexual offences

- 40 Certain sexual offences by non-natural persons

- 41 Indecent images of children
- 42 Extreme pornography
- 43 Voyeurism: additional forms of conduct
- 44 Sexual offences: defences in relation to offences against older children
- 45 Penalties for offences of brothel-keeping and living on the earnings of prostitution

People trafficking

- 46 People trafficking

Slavery, servitude and forced or compulsory labour

- 47 Slavery, servitude and forced or compulsory labour

Fraud and embezzlement

- 48 Alternative charges for fraud and embezzlement
- 49 Articles for use in fraud

Conspiracy

- 50 Conspiracy to commit offences outwith Scotland

Abolition of offences of sedition and leasing-making

- 51 Abolition of offences of sedition and leasing-making

PART 3

CRIMINAL PROCEDURE

Children

- 52 Prosecution of children

Offences: liability of partners

- 53 Offences: liability of partners

Witness statements

- 54 Witness statements

Police liberation

- 55 Breach of undertaking

Grant of warrants

- 56 Grant of warrants for execution by constables and police members of SCDEA

Bail

- 57 Bail review applications
- 58 Bail condition for identification procedures etc.
- 59 Bail conditions: remote monitoring requirements

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Prosecution on indictment

- 60 Prosecution on indictment: Scottish Law Officers

Transfer of justice of the peace court cases

- 61 Transfer of justice of the peace court cases

Additions to complaint

- 62 Additional charge where bail etc. breached

Dockets and charges in sex cases

- 63 Dockets and charges in sex cases

Remand and committal of children

- 64 Remand and committal of children and young persons

Prosecution of organisations

- 65 Meaning of “organisation”
66 Proceedings on indictment against organisations
67 Prosecution of organisations by summary procedure
68 Manner of citation of organisations in summary proceedings

Personal conduct of case by accused

- 69 Prohibition of personal conduct of case by accused in certain proceedings

Disclosure of convictions etc.

- 70 Disclosure of convictions and non-court disposals
71 Convictions by courts in other EU member States

Appeals: time limits

- 72 Time limits for lodging certain appeals

Crown appeals

- 73 Submissions as to sufficiency of evidence
74 Prosecutor’s right of appeal
75 Power of High Court in appeal under section 107A of 1995 Act
76 Further amendment of 1995 Act

Retention and use of samples etc.

- 77 Retention of samples etc.
78 Retention of samples etc. where offer under sections 302 to 303ZA of 1995 Act accepted
79 Retention of samples etc. taken or provided in connection with certain fixed penalty offences
80 Retention of samples etc. from children referred to children’s hearings
81 Extension of section 19A of 1995 Act
82 Use of samples etc.

Referrals from the Scottish Criminal Cases Review Commission

- 83 Referrals from Scottish Criminal Cases Review Commission: grounds for appeal

PART 4

EVIDENCE

- 84 Admissibility of prior statements of witnesses: abolition of competence test
85 Witness statements: use during trial
86 Spouse or civil partner of accused a compellable witness
87 Special measures for child witnesses and other vulnerable witnesses
88 Child witnesses in proceedings for people trafficking offences
89 Amendment of Criminal Justice (Scotland) Act 2003
90 Witness anonymity orders
91 Television link evidence
92 European evidence warrants

PART 5

CRIMINAL JUSTICE

Jury service

- 93 Lists of jurors
94 Upper age limit for jurors
95 Excusal from jury service
96 Persons excusable from jury service

Data matching for detection of fraud etc.

- 97 Data matching for detection of fraud etc.

Sharing information with anti-fraud organisations

- 98 Sharing information with anti-fraud organisations

Closure of premises associated with human exploitation etc.

- 99 Closure of premises associated with human exploitation etc.

Sexual offences prevention orders

- 100 Sexual offences prevention orders

Foreign travel orders

- 101 Foreign travel orders

Sex offender notification requirements

- 102 Sex offender notification requirements

Risk of sexual harm orders

- 103 Risk of sexual harm orders
104 Risk of sexual harm orders: spent convictions

Obtaining information from outwith United Kingdom

105 Obtaining information from outwith United Kingdom

Surveillance

106 Grant of authorisations for surveillance

Interference with property

107 Authorisations to interfere with property etc.

Amendments of Part 5 of Police Act 1997

108 Amendments of Part 5 of Police Act 1997

Rehabilitation of offenders

109 Spent alternatives to prosecution: Rehabilitation of Offenders Act 1974

Medical services in prisons

110 Medical services in prisons

Miscellaneous

111 Assistance for victim support

112 Public defence solicitors

113 Compensation for miscarriages of justice

114 Financial reporting orders

115 Compensation orders

PART 6**DISCLOSURE***Meaning of “information”*

116 Meaning of “information”

Provision of information to prosecutor

117 Provision of information to prosecutor: solemn cases

118 Continuing duty to provide information: solemn cases

119 Provision of information to prosecutor: summary cases

120 Continuing duty of investigating agency: summary cases

Prosecutor’s duty to disclose information

121 Prosecutor’s duty to disclose information

122 Disclosure of other information: solemn cases

123 Continuing duty of prosecutor

Defence statements

124 Defence statements: solemn proceedings

125 Defence statements: summary proceedings

126 Change in circumstances following lodging of defence statement:
summary proceedings

Sections 121 to 126: general

- 127 Sections 121 to 126: no need to disclose same information more than once

Court rulings on disclosure

- 128 Application by accused for ruling on disclosure
129 Review of ruling under section 128
130 Appeals against rulings under section 128

Effect of guilty plea

- 131 Effect of guilty plea

Disclosure after conclusion of proceedings at first instance

- 132 Sections 133 to 140: interpretation
133 Duty to disclose after conclusion of proceedings at first instance
134 Continuing duty of prosecutor
135 Application to prosecutor for further disclosure
136 Further duty of prosecutor: conviction upheld on appeal
137 Further duty of prosecutor: convicted persons
138 Further duty of prosecutor: appeal against acquittal

Court rulings on disclosure: appellate proceedings

- 139 Application by appellant for ruling on disclosure
140 Review of ruling under section 139

Applications to court: orders preventing or restricting disclosure

- 141 Application for section 145 order
142 Application for non-notification order or exclusion order
143 Application for non-notification order and exclusion order
144 Application for exclusion order
145 Application for section 145 order: determination

Orders preventing or restricting disclosure: Secretary of State

- 146 Order preventing or restricting disclosure: application by Secretary of State
147 Application for ancillary orders: Secretary of State
148 Application for restricted notification order and non-attendance order
149 Application for non-attendance order

Special counsel

- 150 Special counsel
151 Persons eligible for appointment as special counsel
152 Role of special counsel

Appeals

- 153 Appeals
154 Prohibition on disclosure pending determination of certain appeals

Status: This is the original version (as it was originally enacted).

Review of section 145 and 146 orders

- 155 Review of section 145 order
- 156 Review of section 146 order
- 157 Review by court of section 145 and 146 orders

Applications and reviews: general

- 158 Applications and reviews: general provisions

General

- 159 Exemptions from disclosure
- 160 Means of disclosure
- 161 Redaction of non-disclosable information by prosecutor
- 162 Confidentiality of disclosed information
- 163 Contravention of section 162
- 164 Code of practice
- 165 Acts of Adjournal
- 166 Abolition of common law rules about disclosure

Interpretation of Part 6

- 167 Interpretation of Part 6

PART 7**MENTAL DISORDER AND UNFITNESS FOR TRIAL**

- 168 Criminal responsibility of persons with mental disorder
- 169 Acquittal involving mental disorder: procedure
- 170 Unfitness for trial
- 171 Abolition of common law rules

PART 8**LICENSING UNDER CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

- 172 Conditions to which licences under 1982 Act are to be subject
- 173 Licensing: powers of entry and inspection for civilian employees
- 174 Licensing of taxis and private hire cars
- 175 Licensing of street trading: food hygiene certificates
- 176 Licensing of public entertainment
- 177 Licensing of late night catering
- 178 Applications for licences

PART 9**ALCOHOL LICENSING**

- 179 Premises licence applications: statements about disabled access etc.
- 180 Premises licence applications: notification requirements
- 181 Premises licence applications: modification of layout plans
- 182 Reviews of premises licences: notification of determinations
- 183 Premises licence applications: antisocial behaviour reports
- 184 Premises licences: connected persons and interested parties
- 185 Provisional premises licences: duration
- 186 Premises licence applications: food hygiene certificates

- 187 Provision of copies of licences to chief constable
- 188 Sale of alcohol to trade
- 189 Occasional licences
- 190 Extended hours applications: notification period
- 191 Extended hours applications: variation of conditions
- 192 Personal licences
- 193 Emergency closure orders
- 194 Appeals
- 195 Liability for offences
- 196 False statements in applications: offence
- 197 Powers of Licensing Standards Officers
- 198 Further modifications of 2005 Act

PART 10

MISCELLANEOUS

- 199 Annual report on Criminal Justice (Terrorism and Conspiracy) Act 1998
- 200 Modification of references to “Act”, “enactment” etc. in certain Acts of Parliament

PART 11

GENERAL

- 201 Orders and regulations
- 202 Interpretation
- 203 Modification of enactments
- 204 Ancillary provision
- 205 Transitional provision etc.
- 206 Commencement and short title

SCHEDULE 1 — THE SCOTTISH SENTENCING COUNCIL

- 1 Membership
- 2 Procedure for appointment of members
- 3 Persons disqualified from membership
- 4 Term of office
- 5 Resignation and removal of members
- 6 Suspension of judicial members
- 7 Chairing of the Council
- 8 Committees
- 9 Proceedings
- 10 Validity of acts
- 11 Ancillary powers
- 12 Delegation
- 13 Maladministration
- 14 Freedom of information

SCHEDULE 2 — COMMUNITY PAYBACK ORDERS: CONSEQUENTIAL MODIFICATIONS

PART 1 — THE 1995 ACT

- 1 The 1995 Act

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- 2 In section 52H(3) (early termination of assessment order), the following...
- 3 In section 52R(3) (termination of treatment order), the following are...
- 4 In section 53(12)(a) (interim compulsion orders), for sub-paragraphs (vi) and...
- 5 In section 57A(15)(a) (compulsion order), for sub-paragraphs (vi) and (vii)...
- 6 In section 58(8) (order for hospital admission or guardianship), for...
- 7 In section 106(1) (right of appeal), for paragraph (d) substitute—...
- 8 In section 108 (Lord Advocate’s right of appeal against disposal)—...
- 9 In section 118(4) (disposal of appeals against sentence), after “(d),”...
- 10 In section 121A(4) (suspension of certain sentences pending determination of...
- 11 In section 173(2) (quorum of High Court in relation to...
- 12 In section 175 (right of appeal)— (a) in subsection (2)—...
- 13 In section 186 (appeals against sentence only), in each of...
- 14 In section 187(1) (leave to appeal against sentence), for “175(2)(b)...
- 15 In section 189(5) (disposal of appeal against sentence), after “175(2)(c)”...
- 16 In section 193A(4) (suspension of certain sentences pending determination of...
- 17 Sections 228 to 234 (probation) are repealed.
- 18 In section 234H (disposal on revocation of drug treatment and...
- 19 (1) Section 234J (concurrent drug treatment and testing and probation...
- 20 Sections 235 to 245 (supervised attendance orders and community service...
- 21 (1) Section 245A (restriction of liberty orders) is amended as...
- 22 (1) Section 245D (combination of restriction of liberty orders with...
- 23 (1) Section 245G (disposal on revocation of restriction of liberty...
- 24 In section 245J (breach of certain orders: adjourning hearing and...
- 25 Sections 245K to 245Q (community reparation orders) are repealed.
- 26 In section 246 (admonition and absolute discharge), in each of...
- 27 In section 249(2) (compensation order against convicted person), for paragraph...
- 28 In section 307 (interpretation)— (a) in subsection (1)—
- 29 Schedules 6 and 7 are repealed.
- PART 2 — OTHER ENACTMENTS
- 30 The Firearms Act 1968 (c.27)
- 31 The Social Work (Scotland) Act 1968 (c.49)
- 32 The Rehabilitation of Offenders Act 1974 (c.53)
- 33 The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55)
- 34 The Local Government and Planning (Scotland) Act 1982 (c.43)
- 35 The 1982 Act
- 36 The Foster Children (Scotland) Act 1984 (c.56)
- 37 The Road Traffic Offenders Act 1988 (c.53)
- 38 The Jobseekers Act 1995 (c.18)
- 39 The Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40)
- 40 The Proceeds of Crime (Scotland) Act 1995 (c.43)
- 41 The Crime and Punishment (Scotland) Act 1997 (c.48)
- 42 The Crime and Disorder Act 1998 (c.37)
- 43 The Powers of Criminal Courts (Sentencing) Act 2000 (c.6)
- 44 The Criminal Justice and Court Services Act 2000 (c.43)

- 45 The Social Security Fraud Act 2001 (c.11)
- 46 The Justice (Northern Ireland) Act 2002 (c.26)
- 47 The Criminal Justice (Scotland) Act 2003 (asp 7)
- 48 The Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)
- 49 The Criminal Justice Act 2003 (c.44)
- 50 The Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)
- 51 The Management of Offenders etc. (Scotland) Act 2005 (asp 14)
- 52 The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)
- 53 The Criminal Justice and Immigration Act 2008 (c.4)

SCHEDULE 3 — SHORT-TERM CUSTODY AND COMMUNITY SENTENCES:
CONSEQUENTIAL AMENDMENTS

- 1 Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)
- 2 In section 34 (period during which licence in force), for...
- 3 In the following places after “section” insert “5,”—
- 4 In section 40 (compassionate release: effect of revocation in certain...
- 5 (1) Section 42 (consideration by Parole Board) is amended as...
- 6 After section 42 insert— Determination that section 42(3) applicable:
consequences...
- 7 (1) Section 45 (prisoner’s right to request early reconsideration by...
- 8 In section 46 (multiple licences to be replaced by single...
- 9 (1) Section 51 (prisoners serving extended sentences) is amended as...
- 10 (1) Section 55 (application to young offenders and children) is...
- 11 In section 56 (fine defaulters and persons in contempt of...
- 12 In section 65 (rules, regulations and orders), in subsection (4)(a),...
- 13 (1) Schedule 2 (prisoners serving more than one sentence) is...
- 14 (1) Schedule 3 (sentences framed to run consecutively) is amended...
- 15 The 1995 Act
- 16 (1) Section 167 (forms of finding and sentence in summary...
- 17 (1) Section 210A (extended sentences for sex and violent offenders)...

SCHEDULE 4 — CONVICTIONS BY COURTS IN OTHER EU MEMBER
STATES: MODIFICATIONS OF ENACTMENTS

PART 1 — THE 1995 ACT

- 1 The 1995 Act
- 2 In section 23C(2)(d)(i) (previous convictions to be taken into
consideration...
- 3 In section 27 (breach of bail conditions: offences), after subsection...
- 4 In section 202(2) (deferred sentence), for “Great Britain” substitute
“the...
- 5 In section 204 (restrictions on passing sentence of imprisonment or...
- 6 In section 205B (minimum sentence for third conviction of certain...
- 7 In section 275A (disclosure of accused’s previous convictions where
court...
- 8 In section 307 (interpretation)— (a) in subsection (1), insert the...

PART 2 — OTHER ENACTMENTS

- 9 The 1982 Act
- 10 The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)
- 11 The Criminal Law (Consolidation) (Scotland) Act 1995 (c.39)
- 12 The Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)
- 13 The Sexual Offences (Scotland) Act 2009 (asp 9)

SCHEDULE 5 — WITNESS ANONYMITY ORDERS: TRANSITIONAL

- 1 Interpretation
- 2 Pre-commencement anonymity orders: appeals

SCHEDULE 6 — FURTHER MODIFICATIONS OF 2005 ACT

- 1 The 2005 Act is amended in accordance with the following...
- 2 In section 4 (the licensing objectives), subsection (2) is repealed....
- 3 In section 21 (notification of premises licence applications), subsection (5)...
- 4 In section 22 (objections and representations), subsection (2) is repealed....
- 5 In section 23 (determination of premises licence application), for subsection...
- 6 (1) Section 24 (applicant's duty to notify Licensing Board of...
- 7 (1) Section 33 (transfer of premises licence on application of...
- 8 In section 44 (procedure where Licensing Board receives notice of...
- 9 In section 57 (notification of occasional licence application to chief...
- 10 (1) Section 59 (determination of occasional licence application) is amended...
- 11 In section 69 (notification of extended hours application), in subsection...
- 12 In section 73 (notification of personal licence application to chief...
- 13 (1) Section 74 (determination of personal licence application) is amended...
- 14 (1) Section 75 (applicant's duty to notify Licensing Board of...
- 15 (1) Section 83 (procedure where Licensing Board receives notice of...
- 16 After section 84 insert— Power of chief constable to report...
- 17 In section 148 (index of defined expressions), in the table,...
- 18 In schedule 1 (Licensing Boards), in paragraph 10(4), the words...

SCHEDULE 7 — MODIFICATIONS OF ENACTMENTS

- 1 The Libel Act 1792 (c.60)
- 2 The Criminal Libel Act 1819 (c.8)
- 3 The False Oaths (Scotland) Act 1933 (c.20)
- 4 The Public Records (Scotland) Act 1937 (c.43)
- 5 The Law Officers Act 1944 (c.25)
- 6 The Defamation Act 1952 (c.66)
- 7 The Rehabilitation of Offenders Act 1974 (c.53)
- 8 In section 1 (rehabilitated persons and spent convictions), in subsection...
- 9 In section 6(6)(bb) (convictions in service disciplinary proceedings), for "the..."
- 10 The Schedule (service disciplinary proceedings) is renumbered as Schedule 1....
- 11 The Evidence (Proceedings in Other Jurisdictions) Act 1975 (c.34)
- 12 The 1982 Act
- 13 In section 52 (indecent photographs etc. of children), subsection (7)...
- 14 In section 64 (appeals against orders in relation to public...
- 15 The Incest and Related Offences (Scotland) Act 1986 (c.36)
- 16 The Legal Aid (Scotland) Act 1986 (c.47)
- 17 The Criminal Justice (Scotland) Act 1987 (c.41)
- 18 The Criminal Justice Act 1988 (c.33)
- 19 The Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)
- 20 The Criminal Justice and Public Order Act 1994 (c.33)

- 21 The Criminal Law (Consolidation) (Scotland) Act 1995 (c.39)
- 22 Section 16 (powers of search) is repealed.
- 23 In section 23 (interpretation of Part 2), in the definition...
- 24 The Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40)
- 25 The 1995 Act
- 26 After section 5 insert— Signing of warrants etc. outwith sheriff’s...
- 27 In section 10A (jurisdiction for transferred cases)—
- 28 In section 11 (certain offences committed outside Scotland)—
- 29 In section 17A (right of person accused of sexual offence...
- 30 In section 18(8)(c) (power to take prints etc. under authority...
- 31 In section 19(1)(b) (samples etc. taken from person convicted of...
- 32 In section 19A (samples etc. from persons convicted of sexual...
- 33 Section 20 (use of prints, samples, etc.) is repealed.
- 34 In section 22 (liberation by police), subsections (1H), (2), (4),...
- 35 In section 23A (bail and liberation where person already in...
- 36 In section 35 (judicial examination), in subsection (4A)—
- 37 In section 55(4) (acquittal at examination of facts)—
- 38 The title of section 57 (disposal of case where accused...
- 39 In section 57 (disposal of case where accused found to...
- 40 In section 60C(7) (disapplication of provision where person acquitted on...
- 41 In section 61 (requirements as to medical evidence)—
- 42 The title of section 62 (appeal by accused in case...
- 43 The title of section 63 (appeal by prosecutor in case...
- 44 In section 66 (service and lodging of indictment etc.), in...
- 45 In section 71 (first diet)— (a) in subsection (A1), for...
- 46 In section 78(2) (which attracts the procedure for notifying special...
- 47 In section 79 (preliminary pleas and preliminary issues), in subsection...
- 48 In section 85 (juries: citation and attendance of jurors), in...
- 49 In section 90D (review of orders under section 90B(1)(a) or...
- 50 In section 102A (failure of accused to appear), for paragraph...
- 51 In section 118(5) (disposal of appeal from solemn proceedings where...
- 52 In section 136A (time limits for transferred and related cases),...
- 53 In section 137B (transfer of sheriff court summary proceedings outwith...
- 54 In section 140 (citation), in subsection (2A)—
- 55 In section 144 (procedure at first diet), in subsection (3A)—...
- 56 In section 146 (plea of not guilty), in subsection (3A)—...
- 57 The title of section 190 (disposal of appeal where appellant...
- 58 In section 190— (a) in subsection (1), for “insane when...
- 59 In section 247 (effect of probation and absolute discharge)—
- 60 In section 254 (search warrant for forfeited articles)—
- 61 In section 258 (uncontroversial evidence), after subsection (4A) insert—
- 62 In section 307 (interpretation), in subsection (1), after the definition...
- 63 The Offensive Weapons Act 1996 (c.26)
- 64 The Defamation Act 1996 (c.31)
- 65 The Crime and Punishment (Scotland) Act 1997 (c.48)
- 66 In section 9 (power to specify hospital unit), in subsection...
- 67 In section 13 (increase in sentences available to sheriff and...
- 68 In section 56 (powers of the court on remand or...
- 69 The Terrorism Act 2000 (c.11)
- 70 The Protection of Children (Scotland) Act 2003 (asp 5)

- 71 The Criminal Justice (Scotland) Act 2003 (asp 7)
- 72 The Legal Deposit Libraries Act 2003 (c.28)
- 73 The Sexual Offences Act 2003 (c.42)
- 74 The Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5)
- 75 The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)
- 76 The Management of Offenders etc. (Scotland) Act 2005 (asp 14)
- 77 The Serious Organised Crime and Police Act 2005 (c.15)
- 78 The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)
- 79 In section 7 (liberation on undertaking), in subsection (2), paragraphs...
- 80 In section 74 (appointment of stipendiary magistrates), subsection (6) is...
- 81 After section 74 insert— Exercise of functions by stipendiary magistrates...
- 82 In section 76 (signing functions)— (a) in subsection (2), for...
- 83 In the schedule (modification of enactments)— (a) paragraph 3(b) is...
- 84 The Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)
- 85 The Counter-Terrorism Act 2008 (c.28)
- 86 The Sexual Offences (Scotland) Act 2009 (asp 9)
- 87 The Coroners and Justice Act 2009 (c.25)