

**Changes to legislation:** Community Justice (Scotland) Act 2016, SCHEDULE 2 is up to date with all changes known to be in force on or before 28 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

SCHEDULE 2  
(introduced by section 38)  
MINOR AND CONSEQUENTIAL MODIFICATIONS

**PART 1**

PRIMARY LEGISLATION

*The Social Work (Scotland) Act 1968*

- 1 (1) The Social Work (Scotland) Act 1968 is modified as follows.
- (2) In section 27(1), for “Subject to any order or determination under section 8 of the Management of Offenders etc. (Scotland) Act 2005 (asp 14), it” substitute “ It ”.
- (3) In section 27A—
- (a) for subsection (1), substitute—
- “(1) The Scottish Ministers may make a grant to a local authority of such amount as the Scottish Ministers may determine in respect of expenditure incurred by that local authority in providing a relevant service.”,
- (b) in subsection (1A)—
- (i) in paragraph (a), after “27(1)” insert “ or 27ZA ”,
- (ii) paragraph (b) is repealed,
- (c) in subsection (2), for “(1)(c)” substitute “ (1A)(c) ”.
- (4) In section 27B—
- (a) for subsection (1), substitute—
- “(1) The Scottish Ministers may make a grant to a local authority of such amount as the Scottish Ministers may determine in respect of relevant expenditure.”,
- (b) in subsection (1A), the words “as the case may be, those local authorities or” are repealed.

**Commencement Information**

**II** Sch. 2 para. 1 in force at 31.3.2017 by S.S.I. 2017/33, reg. 2(1)(2), sch.

*The Criminal Procedure (Scotland) Act 1995*

- 2 In section 227ZM of the Criminal Procedure (Scotland) Act 1995—
- (a) in subsection (1), for “the Scottish Ministers” substitute “ Community Justice Scotland ”,
- (b) in subsection (3)—
- (i) for “The Scottish Ministers” substitute “ Community Justice Scotland ”,
- (ii) for “as soon as practicable after the end of” substitute “ in relation to ”,

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(c) after subsection (3) insert—

“(3A) A report under subsection (3) must be laid before the Parliament, and published, together with, or as part of, the corresponding report under section 27 of the Community Justice (Scotland) Act 2016.

(3B) The reference in subsection (3A) to the corresponding report under section 27 of the Community Justice (Scotland) Act 2016 is, in relation to a report under subsection (3) for a particular reporting year, a reference to the report under that section which requires to be published as soon as reasonably practicable after that 31 March.”,

(d) for subsection (4), substitute—

“(4) In this section, “reporting year” means a year ending with 31 March.”.

**Commencement Information**

**I2** Sch. 2 para. 2 in force at 1.4.2017 by S.S.I. 2017/33, reg. 2(3)

*The Ethical Standards in Public Life etc. (Scotland) Act 2000*

3 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000, the entry for a community justice authority is repealed.

**Commencement Information**

**I3** Sch. 2 para. 3 in force at 31.3.2017 by S.S.I. 2017/33, reg. 2(1)(2), sch.

*The Freedom of Information (Scotland) Act 2002*

4 In schedule 1 to the Freedom of Information (Scotland) Act 2002, paragraph 62A is repealed.

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 31.3.2017 by S.S.I. 2017/33, reg. 2(1)(2), sch.

*The Management of Offenders etc. (Scotland) Act 2005*

5 (1) The Management of Offenders etc. (Scotland) Act 2005 is modified as follows.

(2) In section 1—

(a) in subsection (1), the words “community justice authorities” are repealed,

(b) in subsection (2)(b)(i)—

(i) the words “(or, by virtue of section 8, by a community justice authority)” are repealed,

(ii) the words “(or a community justice authority)” are repealed.

(3) In section 11—

(a) in subsection (2), paragraph (c) is repealed,

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(b) after subsection (3), insert—

“(4) Publication, for the purposes of subsection (2)(b), must be in such manner as will ensure that the report is likely to come to the attention of the other community justice partners for the area of the local authority.

(5) The reference in subsection (4) to “the other community justice partners for the area of the local authority” is to the persons—

- (a) who are community justice partners for the area of the local authority, but
- (b) who are not responsible authorities for the area of the local authority.

(6) The reference in subsection (5)(a) to “community justice partners for the area of the local authority” has the same meaning as in the Community Justice (Scotland) Act 2016 (see section 13(2) of that Act).”.

(4) Sections 21(9), (11) and (12) are repealed.

(5) In section 23, the definition of “community justice authority” is repealed.

#### Commencement Information

**I5** Sch. 2 para. 5 in force at 31.3.2017 by S.S.I. 2017/33, reg. 2(1)(2), sch.

## PART 2

### SECONDARY LEGISLATION

#### *Orders to do with community justice authorities*

6 The following orders are revoked—

- (a) the Management of Offenders etc. (Scotland) Act 2005 (Designation of Partner Bodies) Order 2006 (S.S.I. 2006/63),
- (b) the Management of Offenders etc. (Scotland) Act 2005 (Supplementary Provisions) Order 2006 (S.S.I. 2006/389),
- (c) the Management of Offenders etc. (Scotland) Act 2005 (Members' Remuneration and Supplementary Provisions) Order 2008 (S.S.I. 2008/30).

#### Commencement Information

**I6** Sch. 2 para. 6 in force at 31.3.2017 by S.S.I. 2017/33, reg. 2(1)(2), sch.

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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. 34A34B and cross-heading inserted by [2023 asp 4 s. 12\(2\)](#)
- s. 34C34D and cross-heading inserted by [2023 asp 4 s. 13\(2\)](#)