



# Criminal Justice (Scotland) Act 1980

## 1980 CHAPTER 62

### PART I

#### POLICE POWERS

**F1** .....

**Textual Amendments**

**F1** S. 1 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch 5 (with Sch. 3 Pt. II paras. 16, 17)

**F2** .....

**Textual Amendments**

**F2** S. 2 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

**F3** .....

**Textual Amendments**

**F3** S. 3 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt II paras. 16, 17)

**[F4]3A Rights of persons arrested or detained in connection with terrorism.**

(1) A person who has been arrested or detained under the terrorism provisions and who is in detention in a police station or other premises shall be entitled to have intimation

*Status: Point in time view as at 01/08/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

of his detention and of the place where he is being detained sent without delay to a solicitor and to another person reasonably named by him:

Provided that a police officer not below the rank of superintendent may authorise a delay (not extending longer than the period of 48 hours from the start of the detention) where, in his view, such delay is necessary on one of the grounds mentioned in section 3C(3) of this Act.

- (2) Where a person arrested or detained under the terrorism provisions requests that the intimation be made, there shall be recorded the time when such request is—
- (a) made; and
  - (b) complied with.
- (3) A person arrested or detained under the terrorism provisions shall be entitled to consult a solicitor at any time, without delay:

Provided that a police officer not below the rank of superintendent may authorise a delay (not extending longer than the period of 48 hours from the start of the detention) where, in his view, such delay is necessary on one of the grounds mentioned in section 3C(3) of this Act.

- (4) Subject to section 3C of this Act the consultation provided for in subsection (3) above shall be private.]

#### Textual Amendments

**F4** Ss. 3A–3D inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36), s. 35

### 3B Provisions as to children detained in connection with terrorism.

- (1) Subject to the provisions of this section the provisions of section 3A of this Act apply to children as they apply to adults.
- (2) Without prejudice to—
- (a) subsection (3) of this section, or
  - (b) his entitlement, in terms of section 3A(1), to have intimation of his detention and of the place where he is being detained sent to a solicitor—
- a person arrested or detained under the terrorism prevention provisions who appears to a constable to be a child shall not be entitled to have such intimation sent to any other person named by him.
- (3) Where it appears to a constable that a person arrested or detained under the terrorism provisions is a child, he shall, subject to subsection (4), without delay—
- (a) send intimation of the arrest or detention and of the place where the child is being held to his parent (if known); and
  - (b) allow such parent access to the child.
- (4) A police officer not below the rank of superintendent may authorise—
- (a) a delay in compliance with the duty mentioned in subsection (3)(a) above;
  - (b) non-compliance with the duty mentioned in subsection (3)(b) above,

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where such delay or, as the case may be, non-compliance is, in his view, necessary on one of the grounds mentioned in section 3C(3) of this Act:

Provided that any such delay in compliance with the duty mentioned in subsection (3) (a) shall not extend longer than the period of 48 hours from the start of the detention.

- (5) There shall be recorded the time at which the intimation mentioned in subsection (3) (a) is made.
- (6) Subject to section 3C of this Act the access mentioned in subsection (3)(b) above shall be private.
- (7) Where a child is, by virtue of any enactment, in the care either of a local authority or of a voluntary organisation, the intimation shall be either to the authority or organisation or to the parent, and the right of access shall be exercisable both by an officer of the authority or organisation and by the parent; and subsections (4) and (6) above and section 3C of this Act shall apply in relation to intimation and access under this subsection as they apply to intimation and access under subsection (3) above.

### **3C Provisions relating to consultations and access in connection with terrorism.**

- (1) An officer not below the rank of Assistant Chief Constable may direct that the consultation or access mentioned in sections 3A(3) and 3B(3) of this Act respectively be in the presence of a uniformed officer not below the rank of inspector if it appears to the officer giving the direction to be necessary on one of the grounds mentioned in subsection (3) below.
- (2) A uniformed officer directed to be present during a consultation or, as the case may be, access shall be an officer who, in the opinion of the officer giving the direction, has no connection with the case.
- (3) The grounds mentioned in sections 3A(1), 3A(3) and 3B(4) of this Act and in subsection (1) above are that it is in the interests of the investigation or prevention of crime, or of the apprehension, prosecution or conviction of offenders.
- (4) Where delay or non-compliance is authorised in the exercising of any of the rights or, as the case may be, the carrying out of any of the duties, mentioned in sections 3A(1), 3A(3), and 3B(3) of this Act, there shall be recorded the reason for such delay or non-compliance.

### **3D**

- (1) In sections 3A to 3C and this section of this Act—
  - [<sup>F5</sup>(a) “terrorism provisions” means section 14(1) of the <sup>M1</sup> Prevention of Terrorism (Temporary Provisions) Act and any provision of Schedule 2 or 5 to that Act conferring a power of arrest or detention;]
  - (b) “child” and “parent” have the same meanings as in [<sup>F6</sup>section 15(6) of the Criminal Procedure Act (Scotland) Act 1995.]
- (2) The provisions of sections 3A to 3C and this section of this Act shall have effect, in relation to persons arrested or detained under the terrorism provisions, in place of any enactment or rule of law under or by virtue of which a person arrested or detained may be entitled to communicate or consult with any other person.

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**Textual Amendments**

- F5** S. 3D(1)(a) substituted by [Prevention of Terrorism \(Temporary Provisions\) Act 1989 \(c. 4, SIF 39:2\)](#), s. 25(1), **Sch. 8 para. 5**
- F6** Words in s. 3D(1)(b) substituted (1.8.1997) by [1997 c. 48, s. 62\(1\)](#), **Sch. 1 para. 8**; S.I. 1997/1712, art. 3, **Sch.**

**Marginal Citations**

- M1** [1989 c.4 \(39:2\)](#).

**F7**4 .....

**Textual Amendments**

- F7** [Ss. 4-7](#) repealed (1.4.1996) by [1995 c. 40](#) ss. 6, 7(2), Sch. 5(with Sch. 3 Pt. II paras. 1, 16, 17)

**F8**5 .....

**Textual Amendments**

- F8** [Ss. 4-7](#) repealed (1.4.1996) by [1995 c. 40](#) ss. 6, 7(2), Sch. 5(with Sch. 3 Pt. II paras. 1, 16, 17)

**PART II**

PROCEDURE AND EVIDENCE

*Procedure*

**F9**6 .....

**Textual Amendments**

- F9** [Ss. 4-7](#) repealed (1.4.1996) by [1995 c. 40](#) ss. 6, 7(2), Sch. 5(with Sch. 3 Pt. II paras. 1, 16, 17)

**F10**7 .....

**Textual Amendments**

- F10** [Ss. 4-7](#) repealed (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), **Sch. 5** (with [Sch. 3 Pt. II paras. 1, 16, 17](#))

**8** ..... **F11**

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**Textual Amendments**

**F11** S. 8 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

**F12**<sup>9</sup> .....

**Textual Amendments**

**F12** Ss. 9-43 repealed (1.4.1996) by [1995 c. 40, ss. 6, 7](#), [Sch. 5](#) (with [Sch. 3 Pt. II paras. 1, 16, 17](#))

**F13**<sup>10</sup> .....

**Textual Amendments**

**F13** Ss. 9-43 repealed (1.4.1996) by [1995 c. 40, ss. 6, 7](#), [Sch. 5](#) (with [Sch. 3 Pt. II paras. 1, 16, 17](#))

**F14**<sup>11</sup> .....

**Textual Amendments**

**F14** Ss. 9-43 repealed (1.4.1996) by [1995 c. 40, ss. 6, 7](#), [Sch. 5](#) (with [Sch. 3 Pt. II paras. 1, 16, 17](#))

**F15**<sup>12</sup> .....

**Textual Amendments**

**F15** Ss. 9-43 repealed (1.4.1996) by [1995 c. 40, ss. 6, 7](#), [Sch. 5](#) (with [Sch. 3 Pt. II paras. 1, 16, 17](#))

**F16**<sup>13</sup> .....

**Textual Amendments**

**F16** Ss. 9-43 repealed (1.4.1996) by [1995 c. 40, ss. 6, 7](#), [Sch. 5](#) (with [Sch. 3 Pt. II paras. 1, 16, 17](#))

**F17**<sup>14</sup> .....

**Textual Amendments**

**F17** Ss. 9-43 repealed (1.4.1996) by [1995 c. 40, ss. 6, 7](#), [Sch. 5](#) (with [Sch. 3 Pt. II paras. 1, 16, 17](#))

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F18 **15** .....

**Textual Amendments**  
F18 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F19 **16** .....

**Textual Amendments**  
F19 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F20 **17** .....

**Textual Amendments**  
F20 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F21 **18** .....

**Textual Amendments**  
F21 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F22 **19** .....

**Textual Amendments**  
F22 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch 3 Pt. II paras. 16, 17)

F23 **20** .....

**Textual Amendments**  
F23 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F24 **21** .....

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**Textual Amendments**

**F24** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch 3 Pt. II paras. 16, 17)

<sup>F25</sup>**22** .....

**Textual Amendments**

**F25** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F26</sup>**23** .....

**Textual Amendments**

**F26** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F27</sup>**24** .....

**Textual Amendments**

**F27** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F28</sup>**25** **Interpretation of 1975 Act.**  
.....

**Textual Amendments**

**F28** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

*Evidence*

<sup>F29</sup>**26** .....

**Textual Amendments**

**F29** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

<sup>F30</sup>**27** .....

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**Textual Amendments**

**F30** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

<sup>F31</sup>**28** .....

**Textual Amendments**

**F31** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

<sup>F32</sup>**29** .....

**Textual Amendments**

**F32** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

<sup>F33</sup>**30** .....

**Textual Amendments**

**F33** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

**31** ..... <sup>F34</sup>

**Textual Amendments**

**F34** S. 31 repealed by **Road Traffic Regulation Act 1984** (c. 27, SIF 107:1), s. 146, **Sch. 14** and expressed to be repealed (1.4.1996) by 1995 c. 40, s. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

<sup>F35</sup>**32** .....

**Textual Amendments**

**F35** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)

<sup>F36</sup>**32A** .....

**Textual Amendments**

**F36** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with **Sch. 3 Pt. II paras. 1, 16, 17**)



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### *Appeals*

F37 **33** .....

**Textual Amendments**

F37 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F38 **34** .....

**Textual Amendments**

F38 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F39 **35** .....

**Textual Amendments**

F39 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F40 **36** .....

**Textual Amendments**

F40 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F41 **37** .....

**Textual Amendments**

F41 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

### *Miscellaneous*

F42 **38** .....

**Textual Amendments**

F42 Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

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F43 **39** .....

**Textual Amendments**

**F43** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

**PART III**

**PENALTIES**

F44 **40** .....

**Textual Amendments**

**F44** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F45 **41** .....

**Textual Amendments**

**F45** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F46 **42** .....

**Textual Amendments**

**F46** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 4, 6, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

F47 **43** .....

**Textual Amendments**

**F47** Ss. 9-43 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7, **Sch. 5** (with Sch. 3 Pt. II paras. 1, 16, 17)

**44** ..... F48

**Textual Amendments**

**F48** Ss. 44, 45(2) repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

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## 45 Detention of young defenders

- <sup>F49</sup>(1) .....
- (2) ..... <sup>F50</sup>
- (3) In the 1975 Act, sections 204 and 414 (Borstal training) and sections 209 and 418 (detention in detention centre) shall cease to have effect.
- (4) Without prejudice to any specific amendment made by this Act, in Scotland a reference in any enactment to which this subsection applies—
- (a) to a Borstal institution, shall be construed as a reference to a young offenders institution; and
  - (b) to a period of training in a Borstal institution, shall be construed as a reference to a period of detention in a young offenders institution.
- (5) The enactments to which subsection (4) above applies are—
- (a) any Act passed before, or during the same session as, this Act; and
  - (b) any subordinate legislation made before the commencement of this Act;
- and in this subsection
- “Act” and “subordinate legislation” have the same meanings as in the <sup>M2</sup>Interpretation Act 1978.

### Textual Amendments

**F49** S. 45(1) repealed (1.4.1996) by 1995 c. 40, ss. 4, 6 Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

**F50** Ss. 44, 45(2) repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

### Modifications etc. (not altering text)

**C1** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M2** 1978 c. 13.

<sup>F51</sup> 46 .....

### Textual Amendments

**F51** S. 46 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

<sup>F52</sup> 47 .....

### Textual Amendments

**F52** S. 47 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

*Status: Point in time view as at 01/08/1997.*

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F53 **48** .....

**Textual Amendments**

F53 S. 48 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

F54 **49** .....

**Textual Amendments**

F54 S. 49 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

F55 **50** .....

**Textual Amendments**

F55 S. 50 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

**51 Execution in different parts of United Kingdom of warrants for imprisonment for non-payment of fine.**

After section 38 of the Criminal Law Act 1977 there shall be inserted the following section—

**“38A Execution in different parts of the United Kingdom of warrants for imprisonment for non-payment of fine.**

(1) Subject to subsection (6) below, a person against whom an extract conviction is issued in Scotland for imprisonment in default of payment of a fine may be arrested—

- (a) in England and Wales, by any constable acting within his police area ;
- (b) in Northern Ireland, by any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve ;

and subsections (4) and (5) of section 159 of the Magistrates’ Courts Act (Northern Ireland) 1964 (execution without possession of the warrant and execution on Sunday) shall apply to the execution in Northern Ireland of any such extract conviction as those subsections apply in relation to the execution of a warrant for arrest.

(2) Subject to subsection (6) below, a person against whom there has been issued in England, Wales or Northern Ireland a warrant committing him to prison in default of payment of a sum adjudged to be paid by a conviction may be arrested in Scotland, by any constable appointed for a police area, in like manner as if the warrant were an extract conviction for imprisonment issued in Scotland in default of payment of a fine.

*Status: Point in time view as at 01/08/1997.*

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- (3) A person arrested by virtue of subsection (1) above under an extract conviction or by virtue of subsection (2) above under a warrant of commitment may be detained under it in any prison in the part of the United Kingdom in which he was arrested ; and while so detained he shall be treated for all purposes as if he were detained under a warrant of commitment or extract conviction issued in that part of the United Kingdom.
- (4) An extract conviction or a warrant of commitment may be executed by virtue of this section whether or not it has been endorsed under section 4 of the Summary Jurisdiction (Process) Act 1881 or under section 27 of the Petty Sessions (Ireland) Act 1851.
- (5) In this section—
- “fine” includes any sum treated by any enactment as a fine for the purposes of its enforcement and any sum to be found as caution ;
- “imprisonment” includes, in the case of a person who is under the age of 21 years, detention ;
- “part of the United Kingdom” means England and Wales, Scotland or Northern Ireland ;
- “prison” means—
- (i) in the case of a person who is under the age of 21 years arrested in Scotland, a young offenders institution ; and
  - (ii) in the case of a person under that age arrested in Northern Ireland, a young offenders centre ; and
- “sum adjudged to be paid by a conviction” has the meaning given by section 150(3) of the Magistrates’ Courts Act 1980 or, in Northern Ireland, section 169(2) of the Magistrates’ Courts (Northern Ireland) Act 1964.
- (6) This section shall not apply to the arrest of persons under the age of 17 years.”.

**Modifications etc. (not altering text)**

**C2** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>F56</sup>**52** .....

**Textual Amendments**

**F56** S. 52 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

<sup>F57</sup>**53** .....

*Status: Point in time view as at 01/08/1997.*

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#### Textual Amendments

**F57** S. 53 repealed (1.4.1996) by 1995 c. 40, s. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

<sup>F58</sup> 54 .....

#### Textual Amendments

**F58** S. 54 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 Pt. II paras. 16, 17)

55 ..... <sup>F59</sup>

#### Textual Amendments

**F59** S. 55 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, **Sch. 1**, **Sch. 4 paras 1, 2**

### 56 Penalties for drunkenness.

(1) In section 70 of the <sup>M3</sup>Licensing (Scotland) Act 1903 (penalties for drunkenness, etc.)

- (a) in the first paragraph of subsection (1) for the words from “and may be taken” to the end of that paragraph there shall be substituted the words “ and shall be liable on summary conviction to a fine not exceeding £50 ”;
- (b) in the second paragraph of that subsection for the words from “forty” to the end of that paragraph there shall be substituted the words “ £50 ” ;
- (c) after that subsection there shall be inserted the following subsection—

“(1A) A constable may arrest without warrant any person who he has reasonable grounds for suspecting is committing an offence under subsection (1) above.”; and

- (d) in subsection (2) for the words from “forty” to the end of the first sentence there shall be substituted the words “ £50 ”.

(2) Section 382 of the <sup>M4</sup>Burgh Police (Scotland) Act 1892 shall cease to have effect.

#### Modifications etc. (not altering text)

**C3** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M3** 1903 c. 25.

**M4** 1892 c. 25.

*Status: Point in time view as at 01/08/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

**57 Penalty for second conviction of assault on constable.**

In section 41(1)(ii) of the <sup>M5</sup>Police (Scotland) Act 1967 (assaults on constables, etc.), at the end there shall be added the words “ or to a fine not exceeding the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975, or to both. ”.

**Modifications etc. (not altering text)**

**C4** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M5** 1967 c. 77.

<sup>F60</sup>**PART IV**

COMPENSATION BY OFFENDERS

**Textual Amendments**

**F60** Part IV (ss. 58-67) repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

<sup>F65</sup>**PART V**

SPORTING EVENTS: CONTROL OF ALCOHOL ETC.

**Textual Amendments**

**F65** Part V (ss. 68-77) repealed (1.4.1996) by 1995 c. 40, ss. 4, 6 Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

**PART VI**

MISCELLANEOUS AND GENERAL

<sup>F85</sup>**78** .....

**Textual Amendments**

**F85** S. 78 repealed (1.4.1996) by 1995 c. 40, ss. 4, 6, Sch. 5 (with Sch. 3 Pt. II paras. 16, 17)

*Status: Point in time view as at 01/08/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

## 79 Grants in respect of hostel accommodation for persons under supervision.

After section 27A of the <sup>M16</sup>Social Work (Scotland) Act 1968 there shall be inserted the following section—

### “27B Grants in respect of hostel accommodation for persons under supervision.

The Secretary of State may make to a local authority grants of such amount and subject to such conditions as he may with the consent of the Treasury determine in respect of expenditure incurred by the authority under this Act in—

- (a) providing ; or
- (b) contributing by way of grant under section 10(3) of this Act to the provision by a voluntary organisation of,

residential accommodation wholly or mainly for the persons mentioned in subparagraphs (i) and (ii) of section 27(1)(b) of this Act.”.

#### Modifications etc. (not altering text)

**C12** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M16** 1968 c. 49.

<sup>F86</sup>**80** .....

#### Textual Amendments

**F86** S. 80 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with **Sch. 3 Pt. II paras. 16, 17**) and s. 80(10) subject to an amendment by 1995 c. 40, s. 5, **Sch. 4 para. 33**

## 81 Interpretation etc.

(1) In this Act—

“the 1975 Act” means the <sup>M17</sup>Criminal Procedure (Scotland) Act 1975;

“constable” means a constable within the meaning of the <sup>M18</sup>Police (Scotland) Act 1967.

(2) Except where the context otherwise requires, expressions used in this Act and in the 1975 Act shall have the same meanings in this Act as in that Act.

#### Marginal Citations

**M17** 1975 c. 21.

**M18** 1967 c. 77.



*Status: Point in time view as at 01/08/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

## 82 Financial provisions.

There shall be defrayed out of money provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.

## 83 Transitional provisions, consequential amendments and repeals.

- (1) Schedule 6 to this Act shall have effect for the purpose of the transition to the provisions of this Act from the law in force before the commencement of those provisions and with respect to the application of this Act to things done before the commencement of those provisions.
- (2) The enactments specified in Schedule 7 to this Act shall have effect subject to the amendments there specified, being minor amendments or amendments consequential on the provisions of this Act.
- (3) The enactments specified in Schedule 8 to this Act (which include certain spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.

### Modifications etc. (not altering text)

**C13** The text of ss. 6, 11, 13–22, 24, 25, 27–30, 33–38, 40, 43, 45(1), (3), 46(1)(e)(f), (2), 47–51, 53, 54, 56, 57, 79, 83(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 84 Short title, commencement and extent.

- (1) This Act may be cited as the Criminal Justice (Scotland) Act 1980.
- (2) This Act shall come into force on such date as the Secretary of State may appoint by order made by statutory instrument; and different dates may be so appointed for different provisions or different purposes.
- (3) Any order under subsection (2) above may make such transitional provision as appears to the Secretary of State to be expedient in connection with the provisions thereby brought into force.
- (4) Subject to subsections (5) to (7) below, this Act extends to Scotland only.
- (5) This section and the following provisions extend to England and Wales—  
section 22;  
section 51;  
section 66 for the purposes of the construction mentioned in subsection (1) of that section;  
paragraphs 2, so far as relating to section 22, and 8 to 10 of Schedule 6;  
paragraphs 6(a), 7 to 12, 24, 58 and 79 of Schedule 7; and  
Schedule 8 so far as relating to the <sup>M19</sup>Criminal Justice Act 1961 and to section 365 of the 1975 Act.
- (6) This section, section 22, section 51, section 66 for the purposes of the construction mentioned in subsection (1) of that section, paragraphs 2, so far as relating to

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*Status: Point in time view as at 01/08/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980. (See end of Document for details)*

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section 22, and 8 to 10 of Schedule 6, paragraphs 6(a), 7 to 12 and 77 of Schedule 7, and Schedule 8 so far as relating to the Criminal Justice Act 1961 extend to Northern Ireland.

- (7) This section, paragraphs 6(a) and 10 (a) of Schedule 7, and Schedule 8 so far as relating to section 32(2)(b) of the Criminal Justice Act 1961, extend to the Channel Islands and the Isle of Man.

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**Modifications etc. (not altering text)**

**C14** Power of appointment conferred by s. 84(2) exercised by [S.I. 1981/50](#), 444, 766, 1751 and 1983/1580 (in the explanatory Note to [S.I. 1983/1580](#) it is stated that the Act is commenced in its entirety with the exception of certain repealed provisions and certain provisions which have been superseded)

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**Marginal Citations**

**M19** [1961 c. 39](#).

**Status:**

Point in time view as at 01/08/1997.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1980.