
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force further provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the Act”).

Article 3 brings section 84 (only for the purpose of commencing s.20B(3) of the Criminal Procedure (Scotland) Act 1995) and section 90 of the Act, so far as not already in force, into force on 25th February 2007. This article also brings sections 91 to 97 of the Act (offenders assisting investigations and prosecutions and conditional immunity from prosecution) into force on 1st March 2007. Sections 84 to 90 of the Act, in so far as these provisions have not already been commenced, are brought into force on 12th June 2007. The remainder of the provisions in the Act, with exception to sections 3(2) (d) and (8), 82 and schedule 1, paragraph 14(2) are brought fully into force on 1st April 2007.

Article 4 saves the effect of section 40A of the Police (Scotland) Act 1967 so that the inspectors of constabulary can consider and conclude any examination into the manner in which a chief constable has dealt with a complaint made by a member of the public about a constable of their force, provided such a complaint was referred to the inspectors constabulary before 1st April 2007.

Article 5 saves the effects of Part V of the Civic Government (Scotland) Act 1982 (“the 1982 Act”), prior to the amendments by the Act (“the old law”) in relation to a public procession that takes place after 1st April 2007 in the circumstances set down in paragraph (2). If a local authority make an order under section 62(6) of the 1982 Act which exempts a person from the requirement to give written notice of a proposal to hold certain public processions, a person can hold a procession of this nature up until 28th April 2007, without being required to give written notice of this proposal. Unless a local authority make an order under section 62(7) of the 1982 Act, which requires notice to be given in relation to specified processions, any processions of a common or customary nature can be held up until 28th April 2007 without a requirement to give written notice. The old law is also being preserved in relation to any public procession which takes place after 1st April 2007, if a local authority has determined the notification before this date.

Article 6 provides that a written notice of the proposal to hold a public procession which is taking place after 28th April 2007 must be determined under Part V of the 1982 Act as amended by the Act, if such a notice has not been dealt with by a local authority before 1st April 2007.