

**2016 No. 95 (C. 11)**

**CRIMINAL LAW**

**The Criminal Justice (Scotland) Act 2016 (Commencement No. 1 and Saving Provision) Order 2016**

*Made* - - - - - *10th February 2016*

*Laid before the Scottish Parliament* *12th February 2016*

*Coming into force* - - - *10th March 2016*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 117(2) and (3) of the Criminal Justice (Scotland) Act 2016<sup>(a)</sup>.

**Citation, interpretation and commencement**

**1.**—(1) This Order may be cited as the Criminal Justice (Scotland) Act 2016 (Commencement No. 1 and Saving Provision) Order 2016 and comes into force on 10th March 2016.

(2) In this Order, “the 2016 Act” means the Criminal Justice (Scotland) Act 2016.

**Appointed day**

**2.** 10th March 2016 is the day appointed for the coming into force of section 84 of the 2016 Act (maximum term for weapons offences).

**Saving provision**

**3.**—(1) Despite the coming into force of section 84 of the 2016 Act, the amendments made by that section have no effect in relation to an offence committed before 10th March 2016.

(2) For the purposes of this article, where an offence is found to have been committed over a period of two days or more, or at some time during a period of two days or more, it is to be taken as having been committed on the first of those days.

*MICHAEL MATHESON*  
A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
10th February 2016

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(a) 2016 asp 1.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force section 84 of the Criminal Justice (Scotland) Act 2016 (“the 2016 Act”) on 10th March 2016. Section 84 of the 2016 Act increases the maximum custodial term available to the Court when sentencing a person on indictment for offences committed under section 47 (prohibition of the carrying of offensive weapons), 49 (offence of having in public place article with blade or point), 49A (offence of having a blade or point (or offensive weapon) on school premises) or 49C (offence of having article with offensive weapon etc. in prison) of the Criminal Law Consolidation (Scotland) Act 1995 (c.39).

Article 3(1) saves the existing law in respect of offences committed prior to 10th March 2016. Article 3(2) provides that, if an offence is committed over a period of two days or more, or sometime during a period of two days or more, the offence is taken to have been committed on the first of these days.

The Bill for the 2016 Act received Royal Assent on 13th January 2016. Sections 71, 73 to 77 and 115 to 118 came into force on the following day.

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