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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 363 (C. 18)**

**CRIMINAL PROCEDURE**

**The Criminal Justice (Scotland) Act 2016 (Commencement  
No. 6 and Transitional Provision) Order 2019**

*Made* - - - - *31st October 2019*  
*Laid before the Scottish*  
*Parliament* - - - - *1st November 2019*  
*Coming into force* - - *10th January 2020*

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>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

**1.** This Order may be cited as the Criminal Justice (Scotland) Act 2016 (Commencement No. 6 and Transitional Provision) Order 2019 and comes into force on 10 January 2020.

**Interpretation**

**2.** In this Order—

“the 2016 Act” means the Criminal Justice (Scotland) Act 2016,

“the appointed day” means the day appointed by article 3.

**Appointed day**

**3.** 10 January 2020 is the day appointed for the coming into force of the following provisions of the 2016 Act—

(a) section 42 (support for vulnerable persons),

(b) section 102 (recommendations from quality assessor and training provider), and

(c) section 103 (duty to ensure quality assessment takes place).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Transitional provision**

4. Section 42 of the 2016 Act only applies to persons arrested by a constable on or after the appointed day.

St Andrew's House  
Edinburgh  
31st October 2019

*H YOUSAF*  
A member of the Scottish Government

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## EXPLANATORY NOTE

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

This Order brings into force various provisions of the Criminal Justice (Scotland) Act 2016 (“the 2016 Act”) on 10 January 2020.

Section 42 of the 2016 Act places a duty on the police to identify vulnerable adults in custody and to facilitate the provision of communication support for these individuals.

Section 102 of the 2016 Act provides that a person on whom functions have been conferred by sections 100 (assessment of quality of appropriate adult support) or 101 (training for appropriate adults) of that Act can make recommendations to the provider of appropriate adult services or to the Scottish Ministers in the use of their subordinate legislation making power under section 61 of that Act.

Section 103 of the 2016 Act places a duty on the Scottish Ministers to ensure that where a person has responsibility to ensure that appropriate adult services are available, there must be a person in place for the purpose of assessing those services.

Article 4 of the Order provides that section 42 of the 2016 Act only applies to persons arrested on or after the appointed day.

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

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Sections 1 to 41	25 January 2018	<a href="#">S.S.I. 2017/345</a>
Sections 43 to 59	25 January 2018	<a href="#">S.S.I. 2017/345</a>
Sections 60 to 64	17 January 2017	<a href="#">S.S.I. 2016/426</a>
Sections 65 to 69	11 May 2017	<a href="#">S.S.I. 2017/99</a>
Section 72	11 May 2017	<a href="#">S.S.I. 2017/99</a>
Section 78	17 January 2017	<a href="#">S.S.I. 2016/426</a>
Sections 79, 80 and 81(1), (2) and (5)	29 May 2017	<a href="#">S.S.I. 2017/99</a>
Section 81(3) and (4)	31 July 2017	<a href="#">S.S.I. 2017/99</a>
Section 81(6) and (7)	28 August 2017	<a href="#">S.S.I. 2017/99</a>
Sections 82 and 83	17 January 2017	<a href="#">S.S.I. 2016/426</a>
Section 84	10 March 2016	<a href="#">S.S.I. 2016/95</a>
Sections 87 to 96	17 January 2017	<a href="#">S.S.I. 2016/426</a>
Section 97	25 January 2018	<a href="#">S.S.I. 2017/345</a>
Sections 98 to 101	17 January 2017	<a href="#">S.S.I. 2016/426</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Sections 104 to 106	17 January 2017	<a href="#">S.S.I. 2016/426</a>
Section 109	25 January 2018	<a href="#">S.S.I. 2017/345</a>
Section 110(1) and (2)(b)	25 January 2018	<a href="#">S.S.I. 2017/345</a>
Sections 110(2)(a) and 111(1)	17 January 2017	<a href="#">S.S.I. 2016/426</a>
Section 112	1 July 2016	<a href="#">S.S.I. 2016/199</a>
Schedule 1	25 January 2018	<a href="#">S.S.I. 2017/345</a>
Schedule 2	25 January 2018	<a href="#">S.S.I. 2017/345</a>