

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1963. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 14.

#### SUPERVISION OF CERTAIN DISCHARGED PRISONERS

##### PART I

##### SUPERVISION WITHIN SCOTLAND

<sup>F1</sup>1–3 .....

###### Textual Amendments

**F1** Sch. 1 paras. 1-3 repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**

##### *Return to prison in case of breach of supervision*

4–10. .... <sup>F2</sup>

###### Textual Amendments

**F2** Ss. 13, 16, 17, 23–25, 26(1), 27–47, Sch. 1 paras. 4–10, Sch. 3 Pt. I repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**

##### PART II

##### APPLICATION TO ENGLAND AND WALES, NORTHERN IRELAND, CHANNEL ISLANDS AND THE ISLE OF MAN

##### *England and Wales and Northern Ireland*

11 In relation to proceedings in England and Wales or in Northern Ireland, [<sup>F3</sup>sections 214(1) to (6) and 423(1) to (6) of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1975] shall not apply, but paragraphs 5 to 10 of Schedule 3 to the <sup>M2</sup>Criminal Justice Act 1961 shall apply as they apply in relation to proceedings in England and Wales and Northern Ireland respectively in respect of a person under supervision under that Schedule, subject to the modification that in paragraph 5 of the said Schedule 3 for sub-paragraphs (a) and (b) there shall be [<sup>F3</sup>substituted paragraphs (a) and (b) of section 214(2) or 423(2) of the said Act of 1975].

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#### Textual Amendments

**F3** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 9 para. 36**

#### Marginal Citations

**M1** [1975 c. 21](#).

**M2** [1961 c. 39](#).

- 12 Where an order is made by any court in England and Wales or Northern Ireland under the enactments applied by the last foregoing paragraph sending back to prison a person under supervision, the court shall commit him to a prison in England and Wales or in Northern Ireland, as the case may be; but the responsible Minister within the meaning of section 26 of the Criminal Justice Act 1961 may, without application in that behalf, make at any time an order under that section transferring him to a prison in Scotland.
- 13 In relation to a person detained by virtue of such an order as aforesaid in a prison in Northern Ireland, [<sup>F4</sup>section 214(7) or 423(7) of the <sup>M3</sup>Criminal Procedure (Scotland) Act 1975 <sup>F5</sup>. . .] shall have effect as if for references to the Secretary of State there were substituted references to the [<sup>F6</sup>Department] of Home Affairs for Northern Ireland.

#### Textual Amendments

**F4** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 9 para. 37**

**F5** Words in [Sch. 1 para. 13](#) repealed (1.10.1993) by [1993 c. 9, s. 47\(3\)](#), **Sch. 7 Pt. I**; [S.I. 1993/2050, art. 3\(4\)](#) (with savings in [art. 4](#))

**F6** Words substituted by virtue of [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 5 para. 8(1)**

#### Marginal Citations

**M3** [1975 c. 21](#).

#### *Channel Islands and Isle of Man*

- 14 Her Majesty may, by Order in Council, make such provision as appears to Her to be proper for the purposes of or in connection with the application of . . . <sup>F7</sup>[<sup>F8</sup>section 214 or 423 of the <sup>M4</sup>Criminal Procedure (Scotland) Act 1975] to any of the Channel Islands or to the Isle of Man.

#### Textual Amendments

**F7** Words repealed by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), **Sch. 3**

**F8** Words inserted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 9 para. 38**

#### Marginal Citations

**M4** [1975 c. 21](#).

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*General*

- 15 The enactments authorising warrants of arrest for criminal offences issued in any country to which this Schedule extends to be executed in any other such country shall apply to any warrant issued for the purposes of proceedings under [F9 section 214 or 423 of the M5 Criminal Procedure (Scotland) Act 1975] as they apply to such warrants as aforesaid.

**Textual Amendments**

**F9** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 9 para. 39**

**Marginal Citations**

**M5** 1975 c. 21.

**F10**SCHEDULE 2

**Textual Amendments**

**F10** Sch. 2 repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **Sch. 9 Pt. I**

**F10**

SCHEDULE 3

Section 26

TRANSFER OF FINES

**PART I**

**F11**

**Textual Amendments**

**F11** Ss. 13, 16, 17, 23–25, 26(1), 27–47, Sch. 1 paras. 4–10, Sch. 3 Pt. I repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

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## <sup>X1</sup>PART II

### THE MAGISTRATES' COURTS ACT 1952 (15 & 16 GEO. 6. & 1 ELIZ. 2. C. 55.)

#### **Editorial Information**

- X1** The text of Sch. 3 Pt. II 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.

After section 72 there shall be inserted the following sections:—

#### **“72A Transfer of fine orders, Scotland.**

- (1) Where a Magistrates' court has by a conviction adjudged a person to pay a sum and it appears to the court that the offender is residing in Scotland, the court may, unless a term of imprisonment has been fixed in the event of a future default in paying the sum in question, by order direct that payment of that sum shall be enforceable by a court of summary jurisdiction in Scotland, being a court within whose jurisdiction it appears as aforesaid that the offender is residing.
- (2) Any order under this section shall specify the court of summary jurisdiction by which payment of the sum in question is to be enforceable, and if that sum is twenty pounds or more, the court to be so specified shall be the sheriff court.
- (3) Where an order is made under this section with respect to this any sum, any functions under this Part of this Act relating to that sum which, if no such order had been made, would have been exercisable by the convicting court, or the clerk of that court, shall cease to be so exercisable.

#### **72B Transfer of fine orders from Scotland.**

- (1) Where a transfer of fine order within the meaning of section 44 of the Summary Jurisdiction (Scotland) Act 1954 orders that payment of a fine shall be enforceable in a specified petty sessions area in England and Wales, a magistrates' court acting for that area, and the clerk of that court, shall, subject to the provisions of this section, have all like functions under this Part of this Act in respect of the fine (including power to make a transfer of fine order under section 72 or section 72A of this Act) as if the fine were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1954 in respect of the fine before the making of the transfer of fine order had been made by that court.
- (2) For the purpose of determining the period of imprisonment which may be imposed under this Act by any court having jurisdiction by virtue of such a transfer of fine order as aforesaid in default of payment of the fine to which the order relates (including any court having such jurisdiction by virtue of an order made in respect of that fine under section 72 of this Act), Schedule 3 to this Act shall have effect as if for the Table set out in paragraph 1 there were substituted the Table set out in section 49(1) of the said Act of 1954 and as if paragraph 3 of that Schedule were omitted.”

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## SCHEDULE 4

. . . F12

**Textual Amendments**

**F12** Sch. 4 repealed by [Legal Aid \(Scotland\) Act 1967 \(c. 43\)](#), [Sch. 3](#)

X<sup>2</sup>SCHEDULE 5

Section 52.

## MINOR AND CONSEQUENTIAL AMENDMENTS

**Editorial Information**

**X2** The text of Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified here and in the Chronological Table of Statutes, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The Criminal Appeal (Scotland) Act 1926 (16 & 17 Geo. 5. c. 15)*

In section 11(2), the words “for his use” shall be omitted.

*The Children and Young Persons (Scotland) Act 1937 (1 Edw. 8 \* 1 Geo. 6. c. 37.)*

In section 86(1)(b), for the words “or on licence” there shall be substituted the words “or under supervision”.

In section 87—in subsection (1), after the word “Act”, there shall be inserted the words “and of the Criminal Justice (Scotland) Act 1963”; in subsection (3), for the words “on licence” there shall be substituted the words “under supervision”, and after the word “Act” there shall be inserted the words “and of the Criminal Justice (Scotland) Act 1963”.

In Schedule 2, in paragraph 9(3), for the words “this Act shall have effect” there shall be substituted the words “this Act and the Criminal Justice (Scotland) Act 1963 shall have effect”.

*The Criminal Justice (Scotland) Act 1949 (12, 13 & 14 Geo. 6. c. 94)*

In section 9(1), for the words from “and of any subsequent proceedings” to “aggravation” there shall be substituted the words “and of laying it before a court as a previous conviction in subsequent proceedings for another offence”.

In section 20(1), after the words “institution, the court” there shall be inserted the words “subject to section 3 of the Criminal Justice (Scotland) Act 1963”.

In section 21(2)(a), after the word “more” there shall be inserted the words “or remitted thereto for sentence in respect of such an offence”.

In section 70(2), for the words “seventy-seven and seventy-eight” there shall be substituted the words “and seventy-seven”.

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In section 78(4), after the word “under” there shall be inserted the words “any enactment including”.

... *F13*

**Textual Amendments**

**F13** Entry relating to the Prisons (Scotland) Act 1952 repealed by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), [Sch. 3](#)

... *F14*

**Textual Amendments**

**F14** Entry relating to Mental Health (Scotland) Act 1960 repealed by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), ss. 17(2), 127(2), [Sch. 4 para. 4](#), [Sch. 5](#)

*Criminal Justice Act 1961 (9 & 10 Eliz. 2 c. 39)*

In section 34(6), after the words “or detention centre” there shall be inserted the words “or who, immediately before his removal, was undergoing a sentence of detention in a young offenders institution in Scotland”, and at the end of the subsection there shall be added the words “and subsections (3) to (5) of this section shall apply to any person in whose case such a direction is given as if he had been removed under this section”.

In section 38(5)(a), after the word “sentence”, where first occurring, there shall be inserted the words “of detention in a young offenders institution passed in Scotland, and a sentence”.

in section 39(1), after the paragraph (b) there shall be inserted the following paragraph—

“(bb) in relation to a person sentenced to imprisonment when under twenty-one years of age who is so removed to Scotland, a young offenders institution ;”

<sup>X3</sup>SCHEDULE 6

Section 52

ENACTMENTS REPEALED

**Editorial Information**

**X3** The text of s.52(1)(2) and Sch. 6 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.

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Vict. c. 119.	The Sheriff Courts (Scotland) Act 1838.	In section 25, the proviso.

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2 & 3 Vict. c. 47.	the Metropolitan Police Act 1839.	Section 12.
34 & 35 Vict. c. 112.	The Prevention of Crimes Act 1871.	Section 6, so far as relating to Scotland.
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act 1887.	In section 67, the words from “but where” to the end of the section.
16 & 17 Geo. 5. c. 15.	The Criminal Appeal (Scotland) Act 1926.	In section 11(2), the words “for his use”.
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act 1937.	In section 86(1)(b), the words “or upon the revocation of his licence”.  In section 91(5), the words “on licence or”.  In Schedule 2, paragraph 6; in paragraph 8, the words from “if authorised” to the words “so to do”; and in paragraph 12, the words “on licence or”, in both places where they occur.
8 & 9 Geo. 6. c. 41.	The Family Allowances Act 1945.	In section 26(3), the words from the beginning of the subsection to the words “seventy-eight thereof”.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	In section 9(5), the words “which constitutes an aggravation of the first mentioned offence”.  Section 18(2) to (5). sections 19 and 22.  In section 39(1), in paragraph (b), the words “as an aggravation of any charge contained in the indictment”; in paragraph (d), the words “as an aggravation of the charge”.  In section 70(2), the words “and to supervision and recall”.  In Schedule 7, in Form No. 1, the words “as aggravations of the said charge”.

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15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	the Magistrates' Courts Act 1952.	Section 119(2).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act 1952.	In section 9, the words "the whole o f".  In section 20 subsections (2) to (6).  Section 23.  Section 31(4)(a).  Schedule 1.
2 & 3 Eliz. 2. c. 48.	The Summary Jurisdiction (Scotland) Act 1954.	Section 2, so far as relating to sections 63 to 65 of the Criminal Procedure (Scotland) Act 1887.  Section 18(3).  In section 22, the second sentence.  Section 31(5).  Section 49(2).  In Schedule 1, the incorporation of sections 63 and 65 of the Criminal Procedure (Scotland) Act 1887.
8 & 9 Eliz. 2. c. 23.	The First Offenders (Scotland) Act 1960.	Section 1(4).
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	In Schedule 4, the amendment of section 6 of the Children Act 1948.  In Schedule 5, the repeal in section 6 of the Children Act 1948.
10 & 11 Eliz. 2. c. 59.	The Road Traffic Act 1962.	Section 39.

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