



# Criminal Justice (Scotland) Act 1995

## 1995 CHAPTER 20

### PART I

#### THE COURSE OF JUSTICE

##### *Bail*

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##### *Juries*

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##### *Pre-trial procedure*

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##### *Delay in trial*

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##### *Evidence*

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*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1995. (See end of Document for details)*

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### Textual Amendments

- F1** S. 20 repealed (1.4.1996, except (3)(5)) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. II, para. 17, **Sch. 5**; the repeal having effect in relation to s. 20(3)(5) on 1.4.1997 by virtue of 1995 c. 40, ss. 4, 6 Sch. 3 Pt. II, para. 17, Sch. 5; 1995 c. 36, s. 105(4), **Sch. 4 para. 60**; S.I. 1996/3201, **art. 3(7)**

### *The trial*

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### *Conviction and sentence*

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### *Appeals*

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### *Mental disorder and criminal proceedings*

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### *Miscellaneous*

*Status: Point in time view as at 01/04/1997.*

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## 66 Supervision and care of persons diverted from prosecution or subject to supervision requirement etc.

In section 27(1) of the <sup>M17</sup>Social Work (Scotland) Act 1968 (supervision and care of persons put on probation or released from prisons etc.)—

- (a) after paragraph (a) there shall be inserted—
- “(aa) making available to any children’s hearing such reports relating to persons aged 16 and 17 years in relation to the commission of an offence, as the hearing may require for the disposal of a case;
  - (ab) making available to any procurator fiscal or the Lord Advocate such reports as the procurator fiscal or the Lord Advocate may request in relation to persons who are charged with an offence;”;
- (b) after sub-paragraph (iv) of paragraph (b) there shall be inserted the following sub-paragraphs—
- “(v) without prejudice to sub-paragraphs (i) to (iv) above, persons in their area who are subject to a supervision and treatment order made under section 174ZC(2)(d) or 375ZC(2)(d) of the Criminal Procedure (Scotland) Act 1975; and
  - (vi) persons in their area aged 16 and 17 years who are subject to a supervision requirement imposed in relation to the commission of any offence by that person; and
  - (vii) persons in their area who are charged with, but not prosecuted for, any offence and are referred to the local authority by the procurator fiscal or the Lord Advocate; and”.

### Marginal Citations

M17 1968 c.49.

## [<sup>F2</sup>PART II

### PROCEEDS OF CRIME AND PROPERTY USED IN CRIME]

### Textual Amendments

**F2** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. II paras. 16(3), 17, Sch. 5; the repeal having effect in relation to s. 20(3)(5) on 1.4.1997 by virtue of 1995 c. 40, ss. 4, 6, Sch. 3 Pt. II para. 17, Sch. 5; 1995 c. 36, s. 105(4), Sch. 4 para. 60; S.I. 1996/3201, art. 3(7) and in relation to s. 66 on 1.8.1997 by virtue of 1997 c. 48, s. 62(1)(2), Sch. 1 para. 16, Sch. 3; S.I. 1997/1712, art. 3, Sch.

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**Status:** Point in time view as at 01/04/1997.

**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1995. (See end of Document for details)

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## **CHAPTER I**

### **CONFISCATION OF THE PROCEEDS OF CRIME**

*Confiscation orders*

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*Exercise of powers*

.....

*Compensation*

.....

*Investigations and disclosure of information*

.....

## **CHAPTER II**

### **FORFEITURE OF PROPERTY USED IN CRIME**

## **CHAPTER III**

### **RESTRAINT ORDERS**

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1995. (See end of Document for details)*

## [<sup>F3</sup>CHAPTER IV

### RECIPROCAL ARRANGEMENTS FOR ENFORCEMENT OF ORDERS]

#### Textual Amendments

- F3** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. II paras. 16(3), 17, Sch. 5; the repeal having effect in relation to s. 20(3)(5) on 1.4.1997 by virtue of 1995 c. 40, ss. 4, 6, Sch. 3 Pt. II para. 17, Sch. 5; 1995 c. 36, s. 105(4), Sch. 4 para. 60; S.I. 1996/3201, art. 3(7) and in relation to s. 66 on 1.8.1997 by virtue of 1997 c. 48, s. 62(1)(2), Sch. 1 para. 16, Sch. 3; S.I. 1997/1712, art. 3, Sch.

#### 108 Enforcement of Scottish orders in England and Wales.

- (1) Her Majesty may by Order in Council make such provision as Her Majesty considers expedient for the purpose—
- (a) of enabling property in England and Wales which is realisable property to be used or realised for the payment of any amount payable under a confiscation order;
  - (b) of securing that, where no confiscation order has been made, property in England and Wales which is realisable property is available, in the event that such an order is so made, to be used or realised for the payment of any amount payable under it; and
  - (c) of enabling the enforcement in England and Wales of restraint orders, suspended forfeiture orders and forfeiture orders under any enactment other than the 1989 Act.
- (2) Without prejudice to the generality of the power conferred by subsection (1) above, an Order in Council under this section may—
- (a) provide that, subject to any specific conditions, such description of orders made under or for the purposes of Chapter I, II or III of this Part so far as it relates to realisable property shall have effect in the law of England and Wales;
  - (b) provide that, subject to any specified conditions, the functions of a person appointed under Schedule 3 to this Act shall have effect in the law of England and Wales;
  - (c) make provision—
    - (i) for the registration in the High Court of such descriptions of orders made under or for the purposes of Chapter I, II or III of this Part so far as it relates to realisable property as may be specified; and

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- (ii) for the High Court to have, in relation to the enforcement of orders made under or for the purposes of Chapter I, II or III of this Part so far as it so relates which are so registered, such powers as may be specified; and
- (d) make provision as to the proof in England and Wales of orders made under or for the purposes of Chapter I, II or III of this Part so far as it so relates.
- (3) In subsection (2) above “specified” means specified in an Order in Council under this section.
- (4) An Order in Council under this section may amend or apply, with or without modifications, any enactment.
- (5) An Order in Council under this section may contain such incidental, consequential and transitional provisions as Her Majesty considers expedient.
- (6) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## [<sup>F4</sup>CHAPTER V

### MISCELLANEOUS AND GENERAL]

#### Textual Amendments

**F4** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. II paras. 16(3), 17, **Sch. 5**; the repeal having effect in relation to s. 20(3)(5) on 1.4.1997 by virtue of 1995 c. 40, ss. 4, 6, Sch. 3 Pt. II para. 17, **Sch. 5**; 1995 c. 36, s. 105(4), **Sch. 4 para. 60**; S.I. 1996/3201, **art. 3(7)** and in relation to s. 66 on 1.8.1997 by virtue of 1997 c. 48, s. 62(1)(2), Sch. 1 para. 16, **Sch. 3**; S.I. 1997/1712, **art. 3, Sch.**

#### [<sup>F5</sup>110 Sequestration etc. of person holding realisable or forfeitable property.

- (1) Schedule 4 to this Act shall have effect in relation to the sequestration, bankruptcy, winding up or receivership of persons or, as the case may be, companies holding realisable or forfeitable property.
- (2) In this section and in that Schedule “forfeitable property” means property which is or is liable to be the subject of a suspended forfeiture order.]

#### Textual Amendments

**F5** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. II paras. 16(3), 17, **Sch. 5**; the repeal having effect in relation to s. 20(3)(5) on 1.4.1997 by virtue of 1995 c. 40, ss. 4, 6, Sch. 3 Pt. II para. 17, **Sch. 5**; 1995 c. 36, s. 105(4), **Sch. 4 para. 60**; S.I. 1996/3201, **art. 3(7)** and in relation to s. 66 on 1.8.1997 by virtue of 1997 c. 48, s. 62(1)(2), Sch. 1 para. 16, **Sch. 3**; S.I. 1997/1712, **art. 3, Sch.**

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## PART III

### SUPPLEMENTARY

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**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 1995.