



# Criminal Justice (Scotland) Act 1995

## 1995 CHAPTER 20

### PART I

#### THE COURSE OF JUSTICE

##### *Bail*

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##### *Evidence*

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**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- F1** S. 20 repealed (1.4.1996, except (3)(5)) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt.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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### *Mental disorder and criminal proceedings*

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### *Miscellaneous*

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**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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**F2** 66 .....

**Textual Amendments**

**F2** S. 66 repealed (1.8.1997) by 1997 c. 48, s. 62(1)(2), Sch. 1 para. 16, **Sch. 3**; S.I. 1997/1712, art. 3, **Sch.**

**[F3PART II**

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

**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**F3** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt.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.**

**CHAPTER I**

**CONFISCATION OF THE PROCEEDS OF CRIME**

*Confiscation orders*

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*Exercise of powers*

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**CHAPTER II**

**FORFEITURE OF PROPERTY USED IN CRIME**

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*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 III

#### RESTRAINT ORDERS

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

#### RECIPROCAL ARRANGEMENTS FOR ENFORCEMENT OF ORDERS]

##### **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.

#### **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—

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**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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- (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
    - (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>F5</sup>CHAPTER V

### MISCELLANEOUS AND GENERAL]

#### 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](#),

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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>F6</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**

- F6** 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.**

**PART III**

SUPPLEMENTARY

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**Changes to legislation:**

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