

Status: Point in time view as at 01/04/1996.

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

SCHEDULES

[^{F1}SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS]

Textual Amendments

- F1** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt.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.**

[^{F1}PART II

AMENDMENTS RELATING TO PART II]

Textual Amendments

- F1** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt.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.**

[^{F2} *The Trade Marks Act 1938 (c.22)*]

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- F2** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt.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.**

- [^{F3}180 In section 58B of the Trade Marks Act 1938 (delivery up of offending goods and material), in subsection (6) for the words “section 223 or 436 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Chapter II of Part II of the Criminal Justice (Scotland) Act 1995 ”.]

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- F3** Act repealed (S.)(1.4.1996, except ss. 20(3)(5), 66) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt.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

The Criminal Procedure (Scotland) Act 1975 (c.21)

181

The Community Service by Offenders (Scotland) Act 1978 (c.49)

182

[^{F4}The Civil Jurisdiction and Judgments Act 1982 (c.27)]

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.**

[^{F5}183 In subsection (4A) of section 18 of the Civil Jurisdiction and Judgments Act 1982 (enforcement of U.K. judgments in other parts of U.K.)—

- (a) after the words “Court of Session” there shall be inserted the words “ or by the sheriff ”; and
- (b) at the end there shall be added “ or Part II of the Criminal Justice (Scotland) Act 1995 ”.]

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.**

[^{F6} The Telecommunications Act 1984 (c.12)]

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

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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.**

[^{F7}184 In Schedule 3 to the Telecommunications Act 1984 (penalties and mode of trial under the Wireless Telegraphy Act 1949), in paragraph 3(b) for the words “sections 223 and 436 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Chapter II of Part II of the Criminal Justice (Scotland) Act 1995 ”.]

Textual Amendments

F7 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.**

The Bankruptcy (Scotland) Act 1985 (c. 66)

185

[^{F8}*The Criminal Justice Act 1988 (c.33)*]

Textual Amendments

F8 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.**

[^{F9}186(1) The Criminal Justice Act 1988 shall be amended as follows.

(2) In section 74(2)(c) (meaning of realisable property) after the word “property” there shall be inserted the words “ or Chapter II of Part II of the Criminal Justice (Scotland) Act 1995 (suspended forfeiture orders) ”.

(3) In section 77 (restraint orders)—

(a) in subsection (10) for the words “the High Court has made a restraint order” there shall be substituted the words “ a restraint order has been made ” and at the end of that subsection there shall be added the words—

“In this subsection, the reference to a restraint order includes a reference to a restraint order within the meaning of Part II of the Criminal Justice (Scotland) Act 1995 and, in relation to such an order, “realisable property” has the same meaning as in that Part”; and

(b) in subsection (11), for the words “court’s directions” there shall be substituted the words “ directions of the court which made the order ”.

(4) In section 89(2)(b) (compensation), for the words “an order under this Part of this Act” there shall be substituted the following paragraphs—

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“(i) an order under this Part of this Act; or
 (ii) an order of the Court of Session under section 101, 102, 103 or 104 of the Criminal Justice (Scotland) Act 1995.”

(5) Sections 90 (recognition and enforcement of orders in Scotland), 91 (supplementary provision to section 90), 92 (inhibition and arrestment of property in Scotland), 93 (proof in Scotland of High Court orders) and 95 (enforcement of Northern Ireland order in Scotland) shall cease to have effect.

(6) In section 93E (applications of provisions relating to money laundering and other offences to Scotland), after the word “summarily)” there shall be inserted the words “ or an offence punishable on summary conviction by a fine of an amount greater than the amount corresponding to level 5 on the standard scale or by imprisonment for a period exceeding 3 months or by both such fine and imprisonment ”.]

Textual Amendments

F9 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.

[^{F10} The Copyright, Designs and Patents Act 1988 (c.48)]

Textual Amendments

F10 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.

[^{F11}187(1) The Copyright, Designs and Patents Act 1988 shall be amended as follows.

(2) In section 108(6) (order for delivery up in criminal proceedings) for the words “section 223 or 436 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Chapter II of Part II of the Criminal Justice (Scotland) Act 1995 ”.

(3) In section 199(6) (order for delivery up in criminal proceedings) for the words “section 223 or 436 of the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “ Chapter II of Part II of the Criminal Justice (Scotland) Act 1995 ”.]

Textual Amendments

F11 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

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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.**

The Road Traffic Offenders Act 1988 (c.53)

188

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)

189

[^{F12} The Criminal Justice (International Co-operation) Act 1990 (c.5)]

Textual Amendments

F12 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.**

[^{F13}190(1) In section 9(6) of the Criminal Justice (International Co-operation) Act 1990 (enforcement of overseas forfeiture orders), for the words from “or an” to the end there shall be substituted the words “ an offence to which Part VI of the Criminal Justice Act 1988 applies, an offence to which Chapter I of Part II of the Criminal Justice (Scotland) Act 1995 applies or an offence in respect of which a suspended forfeiture order may be made under section 87 of the said Act of 1995. ”.

(2) In section 15(3) of that Act (interest on sums unpaid under confiscation orders), for the words “applicable to an award of damages in” there shall be substituted “ payable under a decree of”.

(3) Section 17 (increase in realisable property: Scotland) of that Act shall cease to have effect.]

Textual Amendments

F13 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.**

The Northern Ireland (Emergency Provisions) Act 1991 (c.24)

191 In section 50(2) of the Northern Ireland (Emergency Provisions) Act 1991 (realisable property, value and gifts), for paragraph (e) there shall be substituted the following paragraph—

“(e) Chapter II of Part II of the Criminal Justice (Scotland) Act 1995”.

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The Road Traffic Act 1991 (c.40)

192

The Drug Trafficking Act 1994 (c. 37)

- 193 (1) The Drug Trafficking Act 1994 shall be amended as follows.
- (2) In section 4(7) (assessing the proceeds of drug trafficking), after paragraph (b) there shall be inserted—
- “; or
- (c) Part II of the Criminal Justice (Scotland) Act 1995.”.
- (3) In section 6(3) (meaning of realisable property), after paragraph (d) there shall be inserted the following paragraph—
- “(e) Chapter II of Part II of the Criminal Justice (Scotland) Act 1995 (suspended forfeiture orders);”.
- (4) In section 18(2)(b)(ii) (compensation), for the words from “11” to “28” there shall be substituted “ 27, 28, 28A or 28B ”.
- (5) In section 26(10) (restraint orders), after the words “1987” there shall be inserted “ or Part II of the Criminal Justice (Scotland) Act 1995 ”.

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