

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF THE 1995 ACT

- 34 (1) Section 68 (interpretation) is amended as follows.
- (2) In subsection (1), at the appropriate places there are inserted—
- ““criminal investigation” has the meaning given in subsection (1A);”
- ““criminal proceedings” includes—
- (a) proceedings on dealing summarily with a charge under the Army Act 1955 or the Air Force Act 1955 or on summary trial under the Naval Discipline Act 1957;
 - (b) proceedings before a summary appeal court constituted under any of those Acts;
 - (c) proceedings before a court-martial constituted under any of those Acts or a disciplinary court constituted under section 52G of the Naval Discipline Act 1957;
 - (d) proceedings before the Courts-Martial Appeal Court; and
 - (e) proceedings before a Standing Civilian Court;”
- ““employment services” has the meaning given in section 21A(1);”
- ““public investigator functions” has the meaning given in subsection (1B);”.
- (3) In subsection (1), in the definition of “enactment”, the words “(except in section 56(5))” are omitted.
- (4) In subsection (1), in the definition of “mental impairment”—
- (a) the words “or the Mental Health (Scotland) Act 1984” are omitted, and
 - (b) for “either of those Acts” there is substituted “that Act”.
- (5) In subsection (1), in the definition of “prescribed”, after “regulations” there is inserted “, except in section 28D (where it has the meaning given by section 28D(17))”.
- (6) In subsection (1), in the definition of “regulations”, after “Secretary of State” there is inserted “, except in sections 2(3), 28D, 28L(6), 28Q(7), 33, 49D to 49F and 67 (provisions where the meaning of “regulations” is apparent)”.
- (7) After subsection (1) there is inserted—

Status: This is the original version (as it was originally enacted).

“(1A) In this Act “criminal investigation” means—

- (a) any investigation which a person in carrying out functions to which section 21B(1) applies has a duty to conduct with a view to it being ascertained whether a person should be charged with, or in Scotland prosecuted for, an offence, or whether a person charged with or prosecuted for an offence is guilty of it;
- (b) any investigation which is conducted by a person in carrying out functions to which section 21B(1) applies and which in the circumstances may lead to a decision by that person to institute criminal proceedings which the person has power to conduct; or
- (c) any investigation which is conducted by a person in carrying out functions to which section 21B(1) applies and which in the circumstances may lead to a decision by that person to make a report to the procurator fiscal for the purpose of enabling him to determine whether criminal proceedings should be instituted.

(1B) In this Act “public investigator functions” means functions of conducting criminal investigations or charging offenders.

(1C) In subsections (1A) and (1B)—

“offence” includes any offence of a kind triable by court-martial under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957, and

“offender” is to be construed accordingly.”