
STATUTORY INSTRUMENTS

1983 No. 24 (C. 3) (S. 1)**CRIMINAL LAW, SCOTLAND****The Criminal Justice Act 1982 (Scotland) (Commencement No. 1)
Order 1983**

Made - - - - - *12th January 1983*

In exercise of the powers conferred on me by section 80(2) of the Criminal Justice Act 1982 (a) and of all other powers enabling me in that behalf, I hereby make the following Order:—

1.—(1) This Order may be cited as the Criminal Justice Act 1982 (Scotland) (Commencement No. 1) Order 1983.

(2) This Order shall extend to Scotland only.

2. The provisions of the Criminal Justice Act 1982 specified in the Schedules to this Order shall come into operation in Scotland on the dates mentioned in the headings of those Schedules.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
12th January 1983.

(a) 1982 c.48.

SCHEDULE 1

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1982 COMING INTO OPERATION IN SCOTLAND ON 31ST JANUARY 1983

Provisions of the Act	Subject matter of provisions
Section 64	Persons recommended by courts for deportation.
Section 73	Recall of witnesses.
Section 77 to the extent necessary to bring into operation the provisions of Schedules 14 and 15 specified below.	Minor and consequential amendments.
Section 78 to the extent necessary to bring into operation the provisions of Schedule 16 specified in the Appendix hereto.	Repeals.
Section 79 to the extent necessary to bring into operation paragraph 18 of Schedule 17.	Transitional.
Schedule 10	Amendments of Schedule 3 to the Immigration Act 1971 (c.77).
In Schedule 14—	Minor and consequential amendments.
paragraph 3	Amendment of section 283(5) of the Customs and Excise Act 1952 (c.44).
paragraph 18(b)	Amendment of section 60 of the Criminal Justice Act 1967 (c.80).
paragraph 21	Amendment of section 64(2)(a) of the Criminal Justice Act 1967 (c.80).
paragraph 31	Amendment of section 13 of the Powers of the Criminal Courts Act 1973 (c.62).
paragraphs 42 and 43	Amendments of sections 147(5) and 156 of the Customs and Excise Management Act 1979 (c.2).
In Schedule 15—	Minor and Consequential Amendments Scotland.
paragraphs 3, 4 and 5	Amendments of sections 680, 702 and 703 of the Merchant Shipping Act 1894 (c.60).
paragraph 14	Amendment of Section 126 of the Rent (Scotland) Act 1971 (c.28).
paragraph 15	Amendment of section 6 of the Immigration Act 1971 (c.77).
paragraph 16	Amendment of section 101 of the Road Traffic Act 1972 (c.20).
paragraphs 18 and 19	Amendment of sections 421(1) and 462(1) of the Criminal Procedure (Scotland) Act 1975 (c.21).
paragraph 30	Amendment of section 55 of the Criminal Justice (Scotland) Act 1980 (c.62).
So much of Schedule 16 as is specified in the Appendix hereto.	Repeals.
In Schedule 17—	Transitional Provisions.
paragraph 18	Transitional provision relating to Schedule 15.

APPENDIX TO SCHEDULE 1

REPEALS TAKING EFFECT IN SCOTLAND ON 31ST JANUARY 1983

Chapter	Short Title	Extent of Repeal
1894 Vict. c.60	Merchant Shipping Act 1894.	In section 680(1), the words "and to the provisions hereinafter contained with respect to Scotland".
1952 c.52.	Prison Act 1952.	In Section 55(3), the words "subsection (2) of section twenty-two and".
1971 c.77.	Immigration Act 1971.	In section 6(5) the words "except in Scotland", and paragraph (b) and the word "and" preceding it.
1975 c.21.	Criminal Procedure (Scotland) Act 1975.	In section 421(1), the words "in a".
1979 c.2.	Customs and Excise Management Act 1979.	Section 147(5). In section 156(3), the words "This subsection does not apply to Scotland."
1980 c.62.	Criminal Justice (Scotland) Act 1980.	In section 55, the word "(8)".

SCHEDULE 2

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1982 COMING INTO OPERATION IN SCOTLAND ON 11TH APRIL, 1983

Provisions of the Act	Subject matter of provisions
Section 41	Emergency Regulations.
Section 42	Orders relating to spread of pests.
Section 44	Byelaws for British Airports Authority aerodromes.
Section 45	Byelaws for other aerodromes.
Section 47(2)	Provisions supplementary to sections 35 to 46.
Section 49	Fines for certain offences under Merchant Shipping Acts and Prevention of Oil Pollution Act 1971 (c.60).
Section 50	Fines for offences against regulations relating to wireless telegraphy apparatus on foreign ships and aircraft.
Part IV	Provisions applicable to Scotland only.
Section 77 to the extent necessary to bring into operation the provisions of Schedule 15 specified below	Minor and consequential amendments.
Section 78 to the extent necessary to bring into operation the provisions of Schedule 16 specified in the Appendix hereto	Repeals.

Provisions of the Act	Subject matter of provisions
Schedule 6	Schedule to be inserted as Schedule 7D to the Criminal Procedure (Scotland) Act 1975 (c.21).
Schedule 7	Amendment of certain enactments to refer to standard scale.
In Schedule 15—	Minor and Consequential Amendments Scotland.
paragraph 1	Amendment of section 4 of the Trespass (Scotland) Act 1865 (c.56).
paragraph 2	Amendment of section 12(3) of the Electric Lighting Act 1882 (c.56).
paragraphs 6 and 7	Amendment of sections 18 and 24 of the Public Health (Scotland) Act 1897 (c.38).
paragraph 8	Amendment of section 56 of the Food and Drugs (Scotland) Act, 1956 (c.30).
paragraphs 9 and 10	Amendment of sections 51 and 55 of the South of Scotland Electricity Order Confirmation Act 1956 (c.xciv).
paragraphs 11 and 12	Amendment of sections 36 and 40 of the North of Scotland Electricity Order Confirmation Act 1958 (c.ii).
paragraph 13	Amendment of section 48 of the Roads (Scotland) Act 1970 (c.20).
paragraph 17	Amendment of Section 193A of the Criminal Procedure (Scotland) Act 1975 (c.21).
paragraphs 20 and 21	Amendment of Schedules 9 and 10 to the National Health Service (Scotland) Act 1978 (c.29).
paragraph 22	Amendment of section 41(1) of the Electricity (Scotland) Act 1979 (c.11).
paragraphs 23 to 29	Amendment of various provisions in Water (Scotland) Act 1980 (c.45).
So much of Schedule 16 as is specified in the Appendix hereto.	Repeals.

APPENDIX TO SCHEDULE 2

REPEALS TAKING EFFECT IN SCOTLAND ON 11TH APRIL 1983

Chapter	Short Title	Extent of Repeal
1885 Vict. c.70	Sea Fisheries (Scotland) Amendment Act 1885.	In section 4, the words "or a fine not exceeding £200".
1899 Vict. c.19	Electric Lighting (Clauses) Act 1899.	In the Schedule, section 38 of the Gasworks Clauses Act 1871 as set out in the Appendix (this repeal having effect for the purposes of the Schedule as incorporated with the Electricity Act 1947 or any other enactment).
1966 c.49	Housing (Scotland) Act 1966.	In section 185(2), the words "for each day during which the failure continues".
1975 c.21	Criminal Procedure (Scotland) Act 1975.	Section 8(2). In section 289D, in subsection (2), the words "or (3A)", and subsection (3A). Section 291(1).
1978 c.29	National Health Service (Scotland) Act 1978.	In Schedule 9, in paragraph 1 (1) the words from "not exceeding" where first occurring to "£500". In Schedule 10, in paragraph 7 in subparagraph (2)(b), the words "not exceeding £500", and subparagraph (3).
1979 c.11	Electricity (Scotland) Act 1979.	In section 41(1)(b) the words "not exceeding £500".
1979 c.39	Merchant Shipping Act 1979	In section 43, subsections (4) and (5), and in subsection (6), the words "or an order under subsection (4) of this section".
1980 c.45	Water (Scotland) Act 1980.	In Schedule 4, in paragraph 10(3)(ii), the words "in respect of each such day".
1980 c.62	Criminal Justice (Scotland) Act 1980.	In section 7, in subsection (3), the words from the beginning to "provisions)" and the words from "and accordingly" to the end. Section 8. In section 46(1), paragraphs (a) and (b), in paragraph (c) the words "£25" and ", "respectively" and "£50" and", and paragraph (d). In Schedule 7, paragraph 50.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which extends to Scotland only, brings into force in Scotland on 31st January 1983 and 11th April 1983 respectively the provisions of the Criminal Justice Act 1982 which are set out in Schedules 1 and 2 to the Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This Note is not part of the Order.)

Certain provisions of the Act are brought into force, but not as respects Scotland, by the Criminal Justice Act 1982 (Commencement No. 1) Order 1982 (S.I. 1982/1857).

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