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STATUTORY INSTRUMENTS

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**1996 No. 517**

**The Criminal Justice (Scotland) Act 1995 (Commencement No.2, Transitional Provisions and Savings) Order 1996**

**Citation and interpretation**

1. This Order may be cited as the Criminal Justice (Scotland) Act 1995 (Commencement No.2, Transitional Provisions and Savings) Order 1996.

2.—(1) In this Order—

“the Act” means the Criminal Justice (Scotland) Act 1995,

and, unless the context otherwise requires, any reference in this Order to a numbered section or Schedule is a reference to the section or Schedule bearing that number in the Act and, in article 5 of, and Schedule 2 to, this Order, includes a reference to any related repeal in Schedule 7 to the Act.

(2) For the purposes of this Order, criminal proceedings are commenced—

- (a) in summary proceedings, on the date of the first calling of the case; and
- (b) in solemn proceedings, on the date on whichever of the following first occurs:—
  - (i) the grant of a warrant to arrest and commit;
  - (ii) the intimation of a petition;
  - (iii) the service of an indictment.

**Commencement of provisions**

3.—(1) The provisions of the Act which are specified in column 1 of Schedule 1 to this Order shall come into force on 5th March 1996 but only for the purpose of enabling subordinate legislation to be made under the provisions specified in column 2 of that Schedule so as to come into force on or after 31st March 1996.

(2) Subject to the provisions of articles 4 to 6 of, and Schedule 2 to, this Order, all the provisions of the Act, except section 66, shall come into force on 31st March 1996 insofar as they are not then in force.

**Transitional provisions and savings**

4. The provisions of the Act specified in column 1 of Schedule 2 shall apply only in the cases, and in relation to the persons or matters, specified in column 2 of that Schedule.

5. Nothing in section 40, 54 or 113(3), Schedule 5 or paragraph 10 of Schedule 6 shall affect the powers of a court in relation to an offence committed before 31st March 1996.

6. Section 68 shall not apply in respect of the discharge of a debtor under section 54 of the Bankruptcy (Scotland) Act 1985(1) before 31st March 1996.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
1st March 1996

*James Douglas-Hamilton*  
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