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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order—

- (a) appoints 20th October 1997 for the coming into force of the provisions of the Crime and Punishment (Scotland) Act 1997 (“the Act”) which are specified in Schedule 1 to the Order (article 3);
- (b) appoints 1st January 1998 as the date for the coming into force of the provisions of the Act which are specified in Schedule 2 to the Order (article 4) subject to the transitional provision relevant to section 15 of the Act (article 7); and
- (c) appoints 1st July 1998 as the date when the provisions in the Act dealing with restriction of liberty orders shall in so far as they are not then in force come into force (article 4).

The Order also makes provision for the commencement of Part V of the Act which amends the Legal Aid Act 1986 so as to make provision for criminal legal assistance, the employment of solicitors in relation to criminal legal assistance, fixed payments for criminal legal assistance and the powers of investigation of the Scottish Legal Aid Board (article 6). The dates on which and the purposes for which these amendments will be commenced are set out in Schedule 3 to the Order. In particular, 1st October 1998 is appointed as the date when the provisions relating to the Criminal Legal Assistance Register will come into force for all purposes. On and after that date, only solicitors who are entered on the Register and whose firms are also entered on the Register will be able to provide criminal legal assistance. Article 6(4) of the Order makes consequential provision for the transfer after 1st October 1998 to a registered solicitor of criminal legal assistance work being undertaken by an unregistered solicitor.