



Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

PART 2

PUBLIC ORDER ETC.

CHAPTER 2

PUBLIC PROCESSIONS

72 Minor amendments of 1982 Act

- (1) In section 64(6)(a)(ii) of the 1982 Act (sheriff's powers on appeal against order under section 63)—
- (a) for “vary” there is substituted “quash”;
 - (b) after “appeal” there is inserted “, vary it”; and
 - (c) after “make” there is inserted “in substitution for the order”.
- (2) In section 65 of that Act (offences and enforcement)—
- (a) in subsection (1), in paragraph (a)—
 - (i) for “without” there is substituted “not”; and
 - (ii) sub-paragraph (ii) and the word “and” immediately preceding it are repealed;
 - (b) in subsection (2), paragraph (a)(ii) and the word “and” immediately preceding it are repealed;
 - (c) for subsection (3), there is substituted—
 - “(3) This section applies to a procession of the description set out in section 62(11B)(a) of this Act (funeral processions) only to the extent that the procession has been held otherwise than in accordance with conditions imposed under this Part of this Act.
- (3A) This section applies to a procession which is within section 62(11B)(b) of this Act (processions specified by order) only if and to the extent

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that it has been prohibited or conditions imposed on it under this Part of this Act.”.

(3) After that section there is inserted—

“65A Guidance to local authorities

The local authority shall, in carrying out functions under this Part of this Act, have regard to any guidance in that respect issued by the Scottish Ministers.”.

Commencement Information

II S. 72 wholly in force at 1.4.2007; s. 72 not in force at Royal Assent see s. 104; s. 72 in force at 1.4.2007 insofar as not already in force by S.S.I. 2007/48, art. 3(3) (with arts. 5, 6)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47A inserted by [2023 c. 41 s. 45\(3\)](#)