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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 178 (C. 15)**

**CRIMINAL LAW**

**The Criminal Justice and Licensing (Scotland)  
Act 2010 (Commencement No. 8, Transitional  
and Savings Provisions) Order 2011**

*Made - - - - 7th March 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 201(1) and (2) and 206(1) of the Criminal Justice and Licensing (Scotland) Act 2010<sup>(1)</sup>.

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 8, Transitional and Savings Provisions) Order 2011.

(2) In this Order—

“the Act” means the Criminal Justice and Licensing (Scotland) Act 2010;

“the 1982 Act” means the Civic Government (Scotland) Act 1982<sup>(2)</sup>;

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995<sup>(3)</sup>;

“the 2003 Act” means the Sexual Offences Act 2003<sup>(4)</sup>;

“the 2005 Act” means the Licensing (Scotland) Act 2005<sup>(5)</sup>;

“earlier proceedings” means—

(a) the proceedings to which the appellate proceedings relate; and

(b) in respect of which the first appearance of the accused or, as the case may be, the recording of a plea of not guilty against an accused charged on summary complaint is on or after 6th June 2011;

“the first appearance of the accused” means where in a prosecution under solemn procedure—

(a) an accused appears for the first time on petition; or

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(1) 2010 asp 13.  
(2) 1982 c.45.  
(3) 1995 c.46.  
(4) 2003 c.42.  
(5) 2005 asp 16.

(b) an accused appears for the first time on indictment (not having appeared on petition in relation to the same matter).

(3) For the purposes of this Order, where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it is to be taken to have been committed on the first of those days.

### **Commencement of provisions**

2.—(1) The provisions of the Act specified in column 1 of the Schedule (the subject matter of which is specified in column 2 of the Schedule) come into force on the corresponding date specified in column 3 of the Schedule.

(2) Those provisions come into force for all purposes, unless otherwise specified in articles 3 to 10 or column 4 of the Schedule.

### **Purposes – sections 141 (application for section 145 order) to 149 (application for non-attendance order)**

3. Sections 141 to 149 of the Act are commenced for all purposes in respect of—

(a) criminal proceedings in which—

(i) the first appearance of the accused; or

(ii) the recording of a plea of not guilty against an accused charged on summary complaint;

is on or after 6th June 2011;

(b) appellate proceedings arising out of such criminal proceedings.

### **Section 77 (retention of samples etc.)**

4.—(1) The amendments made to section 18A of the 1995 Act by—

(a) sub-sections (1), (3)(a) to (c), (e), (f)(i) and (g) of section 77 of the Act, insofar as they relate to relevant physical data, only have effect in relation to such relevant physical data taken from or provided by a person under section 18(2) of the 1995 Act in connection with an offence committed on or after 28th March 2011; and

(b) sub-sections (1), (3)(f)(ii) and (g) of section 77 of the Act, insofar as they relate to any sample or information deriving from a sample taken from a person under section 18(6) or (6A) of the 1995 Act, only have effect where—

(i) that sample or information deriving from that sample was taken in connection with an offence committed on or after 28th March 2011; and

(ii) criminal proceedings are instituted against that person for a relevant sexual offence in section 19A(6)(g) of the 1995 Act, as modified by section 18A(12) of the 1995 Act, on or after 28th March 2011.

(2) Notwithstanding the amendment made to section 18A(1) of the 1995 Act by section 77(3)(a) of the Act, section 18A continues to apply to any sample or information derived from a sample taken from a person under section 18(6) or (6A) of the 1995 Act in connection with an offence committed before 28th March 2011.

**Section 78 (retention of samples etc. where offer under sections 302 to 303ZA of 1995 Act accepted)**

5. Sections 18B and 18C of the 1995 Act, as inserted by section 78 of the Act, only have effect in respect of—

- (a) relevant physical data taken from or provided by a person under section 18(2) of the 1995 Act; or
- (b) any sample, or any information derived from a sample, taken from a person under section 18(6) or (6A) of the 1995 Act,

in connection with an offence committed on or after 28th March 2011.

**Section 79 (retention of samples etc. taken or provided in connection with certain fixed penalty offences)**

6.—(1) Section 18D of the 1995 Act, as inserted by section 79 of the Act, only has effect in respect of—

- (a) relevant physical data taken from or provided by a person under section 18(2) of the 1995 Act; or
- (b) any sample, or any information derived from a sample, taken from a person under section 18(6) or (6A) of the 1995 Act,

in connection with a fixed penalty offence that was committed on or after 28th March 2011.

(2) For the purpose of this article, “fixed penalty offence” has the meaning given by section 128(1) of the Antisocial Behaviour (Scotland) Act 2004(6).

**Section 80 (retention of samples etc. from children referred to children’s hearings)**

7. Sections 18E and 18F of the 1995 Act, as inserted by section 80 of the Act, only have effect in respect of—

- (a) relevant physical data taken from or provided by a child under section 18(2) of the 1995 Act; or
- (b) any sample, or any information derived from a sample, taken from a child under section 18(6) or (6A) of the 1995 Act,

in connection with an offence committed on or after 15th April 2011.

**Section 81 (extension of section 19A of 1995 Act)**

8.—(1) The amendment to section 19A of the 1995 Act made by section 81(a) of the Act only has application in respect of section 18A of the 1995 Act—

- (a) where—
  - (i) relevant physical data taken from or provided by a person under section 18(2) of the 1995 Act; or
  - (ii) any sample, or information deriving from a sample, taken from that person under section 18(6) or (6A) of the 1995 Act,was taken or provided in connection with an offence committed on or after 28th March 2011; and

- (b) criminal proceedings in respect of a relevant sexual offence specified in section 19A(6)(g) of the 1995 Act, as modified by section 18A(12) of the 1995 Act, are instituted against that person on or after 28th March 2011.
- (2) The amendment to section 19A of the 1995 Act made by section 81(b) of the Act only has application in respect of section 18A of the 1995 Act—
  - (a) where—
    - (i) relevant physical data taken or provided by that person under section 18(2) of the 1995 Act; or
    - (ii) any sample, or information deriving from a sample, taken from that person under section 18(6) or (6A) of the 1995 Act,
 

was taken or provided in connection with an offence committed on or after 28th March 2011; and
  - (b) criminal proceedings in respect of a relevant violent offence specified in section 19A(6)(h)(v) of the 1995 Act are instituted against that person on or after 28th March 2011.

### **Section 82 (use of samples etc.)**

**9.**—(1) Section 19C(1) of the 1995 Act, as inserted by section 82(1) of the Act, applies to relevant physical data, samples and information derived from samples whenever taken or provided.

(2) The amendments to section 56 of the Criminal Justice (Scotland) Act 2003(7) made by section 82(2) of the Act apply in relation to relevant physical data, samples or information derived from samples whenever taken or provided under that section.

### **Section 177 (licensing of late night catering)**

**10.**—(1) A person who on or after 1st October 2012 carries on the activity designated by section 42(1) of the 1982 Act without a late hours catering licence shall not be guilty of an offence under section 7(1) of the 1982 Act if—

- (a) that person made an application to the licensing authority before that date for the grant of the late hours catering licence in respect of the activity being carried on by the person; and
- (b) that application has not yet been finally determined.
- (2) For the purposes of paragraph (1)(b), an application is finally determined—
  - (a) when it is withdrawn by the applicant;
  - (b) when it is granted by the licensing authority;
  - (c) when it is refused by the licensing authority and the period of 28 days specified in paragraph 18(4) of Schedule 1 to the 1982 Act expires without an appeal against the refusal being made to the sheriff; or
  - (d) in a case where an appeal is made against a refusal by the licensing authority, when that appeal is disposed of.
- (3) For the purposes of paragraph (2)(d), an appeal is disposed of—
  - (a) when it is abandoned by the appellant; or
  - (b) when a decision on it is made by the sheriff or a higher court expires without such a subsequent appeal being made.

St Andrew's House,  
Edinburgh  
7th March 2011

*KENNY MACASKILL*  
A member of the Scottish Executive

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## SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
Section 15	Non-harassment orders	28th March 2011	For all purposes where the misconduct complained of occurred on or after the date specified in column 3
Section 19	Early removal of certain short-term prisoners from the United Kingdom	28th March 2011	
Section 22	Pre-sentencing reports about organisations	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 24(1), (2) and (3)	Effect of probation and absolute discharge	28th March 2011	
Section 24(4) and (5)	Effect of probation and absolute discharge	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 27	Mutual recognition of judgments and probation decisions	28th March 2011	
Section 32	Genocide, crimes against humanity and war crimes: UK residents	28th March 2011	
Section 33	Genocide, crimes against humanity and war crimes: retrospective application	28th March 2011	
Section 35(1) (but only in relation to subsections (2) and (3)) and (2) and (3)	Sale and hire of crossbows to persons under 18	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 35(1) (but only in relation to subsection (4)) and (4)	Sale and hire of crossbows to persons under 18	28th March 2011	
Section 36(1) (but only in relation to subsections (2) and (3)) and (2) and (3)	Sale and hire of knives and certain other articles to persons under 18	28th March 2011	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
Section 36(1) (but only in relation to subsection (4)) and (4)	Sale and hire of knives and certain other articles to persons under 18	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 42(1)	Extreme pornography	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 42(2) and (3)	Extreme pornography	28th March 2011	
Section 46	People trafficking	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 47	Slavery, servitude and forced or compulsory labour	28th March 2011	
Section 48	Alternative charges for fraud and embezzlement	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 49	Articles for use in fraud	28th March 2011	
Section 50	Conspiracy to commit offences outwith Scotland	28th March 2011	For all purposes in respect of acts done by a person in Scotland on or after the date specified in column 3 which would amount to conspiracy to commit an offence
Section 51	Abolition of offences of sedition and leasing-making	28th March 2011	
Section 52	Prosecution of children	28th March 2011	
Section 53	Offences: liability of partners	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 54	Witness statements	6th June 2011	For all purposes in respect of criminal proceedings in which— (a) the first appearance of the accused; or (b) the recording of a plea of not guilty against an accused charged on summary complaint,

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			is on or after the date specified in column 3
Section 55	Breach of undertaking	28th March 2011	For all purposes in respect of any breach of undertaking committed on or after the date specified in column 3
Section 57	Bail review applications	28th March 2011	For all purposes in respect of any applications under section 30(2) of the 1995 Act received on or after the date specified in column 3
Section 58	Bail condition for identification procedures etc.	28th March 2011	For all purposes where the court grants bail to a person on or after the date specified in column 3
Section 61	Transfer of justice of the peace court cases	28th March 2011	
Section 62	Additional charge where bail etc. breached	28th March 2011	For all purposes in respect of any breach of bail committed on or after the date specified in column 3
Section 65	Meaning of “organisation”	28th March 2011	For all proceedings commenced on or after the date specified in column 3, with proceedings taken to have commenced— <ul style="list-style-type: none"> <li>(a) in summary proceedings, on the date of the first calling of the case; and</li> <li>(b) in solemn cases, on the date on whichever of the following first occurs:— <ul style="list-style-type: none"> <li>(i) the grant of a warrant to arrest and commit;</li> <li>(ii) the intimation of a petition; or</li> <li>(iii) the service of an indictment</li> </ul> </li> </ul>
Section 66	Proceedings on indictment against organisations	28th March 2011	For all proceedings commenced on or after the date specified in column 3, with proceedings taken to have commenced—



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<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
			<ul style="list-style-type: none"> <li>(a) in summary proceedings, on the date of the first calling of the case; and</li> <li>(b) in solemn cases, on the date on whichever of the following first occurs:— <ul style="list-style-type: none"> <li>(i) the grant of a warrant to arrest and commit;</li> <li>(ii) the intimation of a petition; or</li> <li>(iii) the service of an indictment</li> </ul> </li> </ul>
Section 67	Prosecution of organisations by summary procedure	28th March 2011	<p>For all proceedings commenced on or after the date specified in column 3, with proceedings taken to have commenced—</p> <ul style="list-style-type: none"> <li>(a) in summary proceedings, on the date of the first calling of the case; and</li> <li>(b) in solemn cases, on the date on whichever of the following first occurs:— <ul style="list-style-type: none"> <li>(i) the grant of a warrant to arrest and commit;</li> <li>(ii) the intimation of a petition; or</li> <li>(iii) the service of an indictment</li> </ul> </li> </ul>
Section 68	Manner of citation of organisations in summary proceedings	28th March 2011	<p>For all proceedings commenced on or after the date specified in column 3, with proceedings taken to have commenced—</p> <ul style="list-style-type: none"> <li>(a) in summary proceedings, on the date of the first calling of the case; and</li> <li>(b) in solemn cases, on the date on whichever of the following first occurs:— <ul style="list-style-type: none"> <li>(i) the grant of a warrant to arrest and commit;</li> </ul> </li> </ul>

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			(ii) the intimation of a petition; or (iii) the service of an indictment
Section 69	Prohibition of personal conduct of case by accused in certain proceedings	28th March 2011	For all purposes in respect of criminal proceedings commenced on or after the date specified in column 3, with proceedings taken to have commenced when a report of the case has been received by the procurator fiscal
Section 70	Disclosure of convictions and non-court disposals	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 72	Time limits for lodging certain appeals	28th March 2011	
Section 73	Submissions as to sufficiency of evidence	28th March 2011	For all purposes in respect of any trial which commences on or after the date specified in column 3, with a trial taken to have commenced in solemn proceedings when the oath is administered to the jury and in summary proceedings when the first witness is sworn
Section 74	Prosecutor's right of appeal	28th March 2011	For all purposes in respect of any trial which commences on or after the date specified in column 3, with a trial taken to have commenced in solemn proceedings when the oath is administered to the jury and in summary proceedings when the first witness is sworn
Section 75	Power of High Court in appeal under section 107A of 1995 Act	28th March 2011	
Section 76	Further amendment of 1995 Act	28th March 2011	For all purposes in respect of any trial which commences on or after the date specified in column 3, with a trial taken

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<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
			to have commenced in solemn proceedings when the oath is administered to the jury and in summary proceedings when the first witness is sworn
Section 77(1)	Retention samples etc.	of 28th March 2011	For the purposes of amending sections 18(3) and 18A of the 1995 Act
Section 77(1) (in so far as not already in force)	Retention samples etc.	of 1st August 2011	
Section 77(2)(a) and (3)	Retention samples etc.	of 28th March 2011	
Section 77(2)(b) and (c)	Retention samples etc.	of 1st August 2011	
Section 78	Retention samples etc. where offer under sections 302 to 303ZA of 1995 Act accepted	of 28th March 2011	
Section 79	Retention samples etc. taken or provided in connection with certain fixed penalty offences	of 28th March 2011	
Section 80 (in so far as not already in force)	Retention samples etc. from children referred to children's hearings	of 15th April 2011	
Section 81	Extension section 19A of 1995 Act	of 28th March 2011	
Section 82	Use of samples etc.	1st August 2011	
Section 84	Admissibility prior statements of witnesses: abolition of competence test	of 28th March 2011	
Section 85	Witness statements: use during trial	6th June 2011	For all purposes in respect of criminal proceedings in which— (a) the first appearance of the accused; or

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<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
			(b) the recording of a plea of not guilty against an accused charged on summary complaint,  is on or after the date specified in column 3
Section 86	Spouse or civil partner of accused a compellable witness	28th March 2011	For all proceedings commenced on or after the date specified in column 3, with proceedings taken to have commenced—  (a) in summary proceedings, on the date of the first calling of the case; and  (b) in solemn cases, 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; or  (iii) the service of an indictment
Section 87	Special measures for child witnesses and other vulnerable witnesses	28th March 2011	For all purposes in respect of criminal proceedings commenced on or after the date specified in column 3, with proceedings taken to have commenced when a report of the case has been received by the procurator fiscal
Section 88	Child witnesses in proceedings for people trafficking offences	28th March 2011	For all purposes in respect of criminal proceedings commenced on or after the date specified in column 3, with proceedings taken to have commenced when a report of the case has been received by the procurator fiscal
Section 89	Amendment of Criminal Justice (Scotland) Act 2003	28th March 2011	

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<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
Section 90	Witness anonymity orders	28th March 2011	
Section 91	Television evidence	link 28th March 2011	For all purposes in respect of criminal proceedings commenced on or after the date specified in column 3, with proceedings taken to have commenced when a report of the case has been received by the procurator fiscal
Section 102(1)	Sex offender notification requirements	28th March 2011	For the purposes of amending sections 86, 87, 96 and 138 of the 2003 Act and commencing the amendments to section 85 of the 2003 Act to enable regulations to be made under section 85 of that Act
Section 102(2)	Sex offender notification requirements	28th March 2011	Only for the purpose of commencing the amendments to section 85 of the 2003 Act to enable regulations to be made under section 85 of that Act
Section 102(3) to (6)	Sex offender notification requirements	28th March 2011	
Section 106	Grant of authorisations for surveillance	of 28th March 2011	
Section 107	Authorisations to interfere with property etc.	to 28th March 2011	
Section 115	Compensation orders	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 116	Meaning "information"	of 6th June 2011	
Section 117	Provision of information to prosecutor: solemn cases	of 6th June 2011	For all purposes in respect of criminal proceedings in which the first appearance of the accused is on or after the date specified in column 3
Section 118	Continuing duty to provide	to 6th June 2011	For all purposes in respect of criminal proceedings in which

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	information: solemn cases		the first appearance of the accused is on or after the date specified in column 3
Section 119	Provision of information to prosecutor: summary cases	of 6th June 2011 to	For all purposes in respect of criminal proceedings in which the recording of a plea of not guilty against an accused charged on summary complaint is on or after the date specified in column 3
Section 120	Continuing duty of investigating agency: summary cases	of 6th June 2011 to	For all purposes in respect of criminal proceedings in which the recording of a plea of not guilty against an accused charged on summary complaint is on or after the date specified in column 3
Section 121	Prosecutor’s duty to disclose information	of 6th June 2011 to	For all purposes in respect of criminal proceedings in which—  (a) the first appearance of the accused; or  (b) the recording of a plea of not guilty against an accused charged on summary complaint,  is on or after the date specified in column 3
Section 122	Disclosure of other information: solemn cases	of 6th June 2011 to	For all purposes in respect of criminal proceedings in which the first appearance of the accused is on or after the date specified in column 3
Section 123(1), (2), (5) and (6)	Continuing duty of prosecutor	of 6th June 2011 to	For all purposes in respect of criminal proceedings in which—  (a) the first appearance of the accused; or  (b) the recording of a plea of not guilty against an accused charged on summary complaint,  is on or after the date specified in column 3

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<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
Section 123(3) and (4)	Continuing duty of prosecutor	6th June 2011	For all purposes in respect of criminal proceedings in which the first appearance of the accused is on or after the date specified in column 3
Section 124	Defence statements: solemn proceedings	6th June 2011	For all purposes in respect of criminal proceedings in which the first appearance of the accused is on or after the date specified in column 3
Section 125	Defence statements: summary proceedings	6th June 2011	For all purposes in respect of criminal proceedings in which the recording of a plea of not guilty against an accused charged on summary complaint is on or after the date specified in column 3
Section 126	Change in circumstances following lodging of defence statement: summary proceedings	6th June 2011	For all purposes in respect of criminal proceedings in which the recording of a plea of not guilty against an accused charged on summary complaint is on or after the date specified in column 3
Section 127	Sections 121 to 126: no need to disclose same information more than once	6th June 2011	For all purposes in respect of criminal proceedings in which— (a) the first appearance of the accused; or (b) the recording of a plea of not guilty against an accused charged on summary complaint, is on or after the date specified in column 3
Section 128	Application by accused for ruling on disclosure	6th June 2011	For all purposes in respect of criminal proceedings in which— (a) the first appearance of the accused; or (b) the recording of a plea of not guilty against

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<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
			an accused charged on summary complaint, is on or after the date specified in column 3
Section 129	Review of ruling under section 128	6th June 2011	For all purposes in respect of criminal proceedings in which— (a) the first appearance of the accused; or (b) the recording of a plea of not guilty against an accused charged on summary complaint, is on or after the date specified in column 3
Section 130	Appeals against rulings under section 128	6th June 2011	For all purposes in respect of criminal proceedings in which— (a) the first appearance of the accused; or (b) the recording of a plea of not guilty against an accused charged on summary complaint, is on or after the date specified in column 3
Section 131	Effect of guilty plea	6th June 2011	For all purposes in respect of criminal proceedings in which— (a) the first appearance of the accused; or (b) the recording of a plea of not guilty against an accused charged on summary complaint, is on or after the date specified in column 3
Section 132	Sections 133 to 140: interpretation	6th June 2011	For all purposes in respect of appellate proceedings arising out of earlier proceedings
Section 133	Duty to disclose after conclusion of	6th June 2011	For all purposes in respect of appellate proceedings arising out of earlier proceedings



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<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
	proceedings at first instance		
Section 134	Continuing duty of prosecutor	6th June 2011	For all purposes in respect of appellate proceedings arising out of earlier proceedings
Section 135	Application by prosecutor for further disclosure	to 6th June 2011	For all purposes in respect of appellate proceedings arising out of earlier proceedings
Section 136	Further duty of prosecutor: conviction upheld on appeal	of 6th June 2011	For all purposes in respect of appellate proceedings, as concluded, which arose in respect of earlier proceedings
Section 137	Further duty of prosecutor: convicted persons	of 6th June 2011	For all purposes in respect of criminal proceedings, as concluded, in which the first appearance of the accused or the recording of a plea of not guilty against an accused charged on summary complaint, is on or after the date specified in column 3
Section 138	Further duty of prosecutor: appeal against acquittal	of 6th June 2011	For all purposes in respect of appellate proceedings, in respect of which section 138 makes provision, arising out of proceedings in which the first appearance of the accused is, or the recording of a plea of not guilty against an accused charged on summary complaint is, on or after the date specified in column 3
Section 139	Application by appellant for ruling on disclosure	by 6th June 2011	For all purposes in respect of appellate proceedings arising out of earlier proceedings
Section 140	Review of ruling under section 139	6th June 2011	For all purposes in respect of appellate proceedings arising out of earlier proceedings
Section 141	Application for section 145 order	for 6th June 2011	
Section 142	Application for non-notification order or exclusion order	for 6th June 2011	

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<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
Section 143	Application for non-notification order and exclusion order	6th June 2011	
Section 144	Application for exclusion order	6th June 2011	
Section 145	Application for section 145 order: determination	6th June 2011	
Section 146	Order preventing or restricting disclosure: application by Secretary of State	6th June 2011	
Section 147	Application for ancillary orders: Secretary of State	6th June 2011	
Section 148	Application for restricted notification order and non-attendance order	6th June 2011	
Section 149	Application for non-attendance order	6th June 2011	
Section 150	Special counsel	6th June 2011	
Section 151	Persons eligible for appointment as special counsel	6th June 2011	
Section 152	Role of special counsel	6th June 2011	
Section 153	Appeals	6th June 2011	
Section 154	Prohibition on disclosure pending determination of certain appeals	6th June 2011	
Section 155	Review of section 145 order	6th June 2011	
Section 156	Review of section 146 order	6th June 2011	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
Section 157	Review by court of section 145 and 146 orders	6th June 2011	
Section 158	Applications and reviews: general provisions	6th June 2011	
Section 159	Exemptions from disclosure	6th June 2011	
Section 160	Means of disclosure	6th June 2011	
Section 161	Redaction of non-disclosable information by prosecutor	6th June 2011	
Section 162	Confidentiality of disclosed information	6th June 2011	
Section 163	Contravention of section 162	6th June 2011	
Section 164	Code of practice	6th June 2011	
Section 165	Acts of Adjournal	6th June 2011	
Section 166	Abolition of common law rules about disclosure	6th June 2011	For all purposes in respect of— (a) criminal proceedings in which— (i) the first appearance of the accused; or (ii) a plea of not guilty is recorded against an accused charged on summary complaint, is on or after the date specified in column 3; (b) appellate proceedings arising out of criminal proceedings mentioned in paragraph (a).
Section 167	Interpretation of Part 6	6th June 2011	
Section 172(1) to (3),(4)(a), (5) and (6)	Conditions to which licences under 1982 Act are to be subject	28th March 2011	For all purposes in respect of licence applications under paragraph (1) of Schedule 1 to

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
			the 1982 Act made to a licensing authority on or after the date specified in column 3
Section 175	Licensing of street trading: food hygiene certificates	28th March 2011	For all purposes in respect of applications for a street traders licence under paragraph (1) of Schedule 1 to the 1982 Act made to a licensing authority on or after the date specified in column 3
Section 176	Licensing of public entertainment	1st April 2012	
Section 177	Licensing of late night catering	1st October 2012	
Section 186	Premises licence applications: food hygiene certificates	28th March 2011	For all purposes in respect of applications for a premises licence made under section 20 of the 2005 Act to a licensing board on or after the date specified in column 3
Section 188(2)	Sale of alcohol to trade	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Section 189	Occasional licences	1st October 2011	For all purposes in respect of applications for an occasional licence made under section 56 of the 2005 Act to a licensing board on or after the date specified in column 3
Section 190	Extended hours applications: notification period	1st October 2011	For all purposes in respect of extended hours applications made under section 68 of the 2005 Act to a licensing board on or after the date specified in column 3
Section 191	Extended hours applications: variation of conditions	28th March 2011	For all purposes in respect of extended hours applications made under section 68 of the 2005 Act to a licensing board on or after the date specified in column 3
Section 203	Modification of enactments	28th March 2011	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(date of commencement)</i>	<i>(purpose)</i>
Schedule 5	Witness anonymity orders: transitional	28th March 2011	
The following Modifications of 28th March 2011 paragraphs of enactments Schedule 7:—			
1, 2, 3, 6, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 34, 35, 36, 44, 45, 47, 50, 52, 53, 54, 55, 56, 59, 60, 61, 63, 64, 65, 67, 68, 69, 72, 74, 77, 78, 79, 80, 81, 82 and 83			
Schedule paragraph 24	7,	28th March 2011	For all purposes in respect of offences committed on or after the date specified in column 3
Schedule paragraph 33	7,	1st August 2011	

### EXPLANATORY NOTE

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

The Criminal Justice and Licensing (Scotland) Act 2010 (“the Act”) received Royal Assent on 6th August 2010. Sections 201, 202, 204, 205 and 206 of the Act came into force on Royal Assent.

This Order brings into force certain other provisions of the Act. The Schedule to this Order specifies the date certain provisions of the Act come into force. Article 2 of this Order provides that the provisions contained in column 1 of the Schedule come into force on the date specified in column 3. Those provisions come into force for all purposes unless otherwise specified in articles 3 to 10 or column 4 of the Schedule.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order.

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<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 14(1) (in part) and (2)	For all purposes apart from inserting section 227ZM into the 1995 Act	1st February 2011	<a href="#">2010/413</a>
Section 14(1) (in so far as not already in force)	To bring section 227ZM of the 1995 Act into force	1st April 2011	<a href="#">2010/413</a>
Section 16		13th December 2010	<a href="#">2010/413</a>
Sections 17, 20 and 21		1st February 2011	<a href="#">2010/413</a>
Section 23		13th December 2010	<a href="#">2010/413</a>
Sections 25 and 26		13th December 2010	<a href="#">2010/413</a>
Sections 28 to 31		13th December 2010	<a href="#">2010/413</a>
Section 34		13th December 2010	<a href="#">2010/413</a>
Section 37		13th December 2010	<a href="#">2010/413</a>
Section 38		6th October 2010	<a href="#">2010/339</a>
Sections 39 to 41		13th December 2010	<a href="#">2010/413</a>
Sections 43 and 44		1st December 2010	<a href="#">2010/357</a>
Section 45		13th December 2010	<a href="#">2010/413</a>
Section 56		13th December 2010	<a href="#">2010/413</a>
Sections 59 and 60		13th December 2010	<a href="#">2010/413</a>
Section 63		1st December 2010	<a href="#">2010/357</a>
Section 64		13th December 2010	<a href="#">2010/413</a>
Section 71		13th December 2010	<a href="#">2010/413</a>
Section 80	To bring section 18E(6), (7) and (10) of the 1995 Act into force	13th December 2010	<a href="#">2010/413</a>
Section 83		5th November 2010	<a href="#">2010/385</a>
Section 93		13th December 2010	<a href="#">2010/413</a>
Sections 94 to 96		10th January 2011	<a href="#">2010/413</a>
Section 97		6th October 2010	<a href="#">2010/339</a>
Section 99		13th December 2010	<a href="#">2010/413</a>
Section 101		13th December 2010	<a href="#">2010/413</a>
Sections 104 and 105		13th December 2010	<a href="#">2010/413</a>
Section 108(1)(in part) and (4)		12th October 2010	<a href="#">2010/344</a>
Section 108(1) to (3) and (4) (in so far as not already in force)		28th February 2011	<a href="#">2011/157</a>
Sections 111 to 114		13th December 2010	<a href="#">2010/413</a>

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 173		13th December 2010	<a href="#">2010/413</a>
Section 178(3)(e)	To amend paragraph 9(3) (e) and (f) of Schedule 2 to the Civic Government (Scotland) Act 1982	16th August 2010	<a href="#">2010/297</a>
Section 178 (in so far as not already in force)		28th February 2011	<a href="#">2010/413</a>
Sections 180 and 181		13th December 2010	<a href="#">2010/413</a>
Section 182		28th February 2011	<a href="#">2010/413</a>
Section 183		13th December 2010	<a href="#">2010/413</a>
Section 184(1) and (2) and (3) (both partially)		13th December 2010	<a href="#">2010/413</a>
Section 185		13th December 2010	<a href="#">2010/413</a>
Section 187		13th December 2010	<a href="#">2010/413</a>
Section 188(1) and (3)		13th December 2010	<a href="#">2010/413</a>
Section 192 to 194		13th December 2010	<a href="#">2010/413</a>
Section 195(1),(2) and (3) (partially)		13th December 2010	<a href="#">2010/413</a>
Section 196		13th December 2010	<a href="#">2010/413</a>
Section 198 and 199		13th December 2010	<a href="#">2010/413</a>
Schedule 2 (with the exception of paragraph 38)		1st February 2010	<a href="#">2010/413</a>
Schedule 2 (in so far as not already in force)		The day that section 25(2) of the Welfare Reform Act 2009 (c. 24) (jobseekers allowance: sanctions for violent conduct etc. in connection with claim) comes into force	<a href="#">2010/413</a>
Schedule 4 (with the exception of paragraph 12)		13th December 2010	<a href="#">2010/413</a>
Schedule 6 (with the exception of paragraphs 2, 9, 10 and 17)		13th December 2010	<a href="#">2010/413</a>
Schedule 7, paragraphs—			
4		13th December 2010	<a href="#">2010/413</a>
5		13th December 2010	<a href="#">2010/413</a>
13		13th December 2010	<a href="#">2010/413</a>
48		10th January 2011	<a href="#">2010/413</a>

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<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
49		13th December 2010	<a href="#">2010/413</a>
86		13th December 2010	<a href="#">2010/413</a>