

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Provisions in the Act that extend to Scotland

58. The following provisions extend to Scotland and relate to reserved matters:
- Schedule 8 amends the Court Martial Appeals Act 1968 and aligns the availability of legal costs under that Act with the availability of legal costs in criminal proceedings in England and Wales under the Prosecution of Offences Act 1985, as amended by the Act.
 - Section 140 relates to immigration and nationality proceedings. It amends the UK Borders Act 2007 to exclude immigration or nationality decision making, including initial decisions and any subsequent proceedings, from the operation of “the ROA 1974”.
 - Section 143 creates a new offence of causing serious injury by dangerous driving. The offence will extend to Scotland as well as England and Wales. The offence amends the Road Traffic Act 1988 (“RTA”) and requires consequential amendments to the Road Traffic Offenders Act 1988 (“RTOA”). The subject matter of this legislation is reserved.
59. [Sections 130](#) and [131](#) relate to the transfer of prisoners into and out of Great Britain. International relations, including the negotiation of prisoner transfer arrangements are a reserved matter. However, consideration of individual transfers is a devolved matter. Sections 130 and 131 make amendments to the Repatriation of Prisoners Act 1984. At the request of the Scottish Executive these amendments will apply to Scotland. The Sewel Convention provides that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament. A Legislative Consent Motion in this respect was passed by the Scottish Parliament on 7 December 2012.