

*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 21

#### POWERS OF IMMIGRATION OFFICERS: FURTHER PROVISION

##### PART 3

##### SCOTLAND

##### *Criminal Law (Consolidation) (Scotland) Act 1995*

44 The Criminal Law (Consolidation) (Scotland) Act 1995 is amended as follows.

##### Commencement Information

**II** Sch. 21 para. 44 in force at 25.6.2013 by [S.I. 2013/1042](#), **art. 4(1)**

<sup>F1</sup>45 .....

##### Textual Amendments

**F1** Sch. 21 paras. 45-47 repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), arts. 2(2)(d), **22(4)** (with art. 22(2))

<sup>F1</sup>46 .....

##### Textual Amendments

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48 In section 26B (interpretation of Part 3 etc)—

<sup>F2</sup>(a) .....

(b) in subsection (2), for the words from “this Act” to “had authority” substitute “this Act—

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- (a) a certificate of the Commissioners for Her Majesty's Revenue and Customs that an officer of Revenue of Customs, or
- (b) a certificate of the Secretary of State that an immigration officer,

had authority”.

**Textual Amendments**

**F2** Sch. 21 para. 48(a) repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), arts. 2(2)(d), **22(4)** (with art. 22(2))

**Commencement Information**

**I2** Sch. 21 para. 48 in force at 25.6.2013 by [S.I. 2013/1042](#), **art. 4(1)**

<sup>F3</sup>49 .....

**Textual Amendments**

**F3** Sch. 21 para. 49 repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), arts. 2(2)(d), **22(4)** (with art. 22(2))

*Consequential amendments relating to legal aid in Scotland*

- 50 (1) In section 8A of the Legal Aid (Scotland) Act 1986 (power to provide for criminal advice and assistance to be available for certain clients without reference to the financial limits), in subsection (2)(b), after “offences” insert “ or immigration or nationality offences ”.
- (2) In regulation 8 of the Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011 (criminal advice and assistance: automatic availability in certain circumstances), in paragraph (b), after “offences” insert “ or immigration or nationality offences ”.
- (3) The amendment of regulation 8 by sub-paragraph (2) above does not prevent the provision made by that amendment from being amended or revoked by exercise of the power conferred by section 8A of the Legal Aid (Scotland) Act 1986 or any other power.
- (4) Regulation 3(1)(b) of the Criminal Legal Assistance (Duty Solicitors) (Scotland) Regulations 2011 (duty solicitors: advice for suspects) applies in relation to a person to whom section 25A of the 1995 Act applies by virtue of its amendment by paragraph 46 of this Schedule; and, accordingly, in regulation 3(1)(b), after “customs” insert “ , immigration and nationality ”.
- (5) But regulation 3(1)(b) does not have effect in relation to such a person in a case where—
- (a) the person is detained under section 24 of the 1995 Act, and the period of detention began before the time at which paragraph 46 of this Schedule comes into force;

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- (b) the person attends as mentioned in section 25A(1)(d) of the 1995 Act, and the period of attendance began before that time; or
  - (c) the person is arrested and detained as mentioned in section 25A(1)(e) of that Act, and the arrest occurred before that time.
- (6) Sub-paragraph (4) does not affect the application of regulation 3(1)(b) in relation to a person to whom section 25A of the 1995 Act applies otherwise than by virtue of its amendment by paragraph 47 of this Schedule.
- (7) Sub-paragraphs (4) to (6) do not prevent regulation 3(1)(b) from being amended or revoked by exercise of any power conferred by the Legal Aid (Scotland) Act 1986 or any other power.
- (8) In this paragraph “1995 Act” means the Criminal Law (Consolidation) (Scotland) Act 1995.

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**Commencement Information**

**I3** Sch. 21 para. 50 in force at 25.6.2013 by S.I. 2013/1042, art. 4(1)

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