

2012 No. 274 (C. 28)

CRIMINAL LAW

**The Criminal Proceedings etc. (Reform) (Scotland) Act 2007
(Commencement No. 10) Order 2012**

<i>Made</i>	- - - -	<i>11th October 2012</i>
<i>Laid before the Scottish Parliament</i>		<i>15th October 2012</i>
<i>Coming into force</i>	- -	<i>1st November 2012</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 84(1) and (2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Commencement No. 10) Order 2012 and comes into force on 1st November 2012.

(2) In this Order “the 2007 Act” means the Criminal Proceedings etc. (Reform) (Scotland) Act 2007.

Appointed day

2. The appointed day for the coming into force of the provisions of the 2007 Act specified in column 1 of the Schedule to this Order, the subject matter of which is specified in column 2, is 1st November 2012.

KENNY MACASKILL
A member of the Scottish Government

St Andrew’s House,
Edinburgh
11th October 2012

SCHEDULE

Article 2

PROVISIONS COMING INTO FORCE ON 1st NOVEMBER 2012

<i>Column 1</i>	<i>Column 2</i>
<i>(provisions of the 2007 Act)</i>	<i>(subject matter)</i>
Section 29	Jury citation
Section 41, in so far as not already commenced	Electronic proceedings
Section 42	Further provision for summary cases

EXPLANATORY NOTE

(This note is not part of the Order)

The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (“the 2007 Act”) received Royal Assent on 22nd February 2007.

Section 41(1) of the 2007 Act came into force on 10th December 2007 for the limited purpose of bringing into force section 303B(6) of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”), which makes provision for certain citations to be signed by means of electronic signature.

Section 41(2) of the 2007 Act also came into force on 10th December 2007 for the limited purpose of bringing into force sections 308A(2) to (4) of the 1995 Act, which contains certain definitions.

Article 2 of this Order brings section 41 of the 2007 Act into force, in so far as not already in force, on 1st November 2012. It also brings sections 29 and 42 of the 2007 Act into force on the same date.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 6 and 7(2)(c)		10th December 2007	2007/479 (as amended by 2007/527)
Section 7, in so far as not already commenced, except for section 7(2)(g)		10th March 2008	2008/42
Sections 8 to 10		10th December 2007	2007/479 (as amended by 2007/527)
Section 11		10th March 2008	2008/42
Section 12(1)		10th December 2007	2007/479 (as amended by 2007/527)
Section 12(2) (partially)	To bring section 166B of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) into force	10th December 2007	2007/479 (as amended by 2007/527)
Section 12, in so far as not already commenced		10th March 2008	2008/42
Sections 13 to 15		10th December 2007	2007/479 (as amended by 2007/527)
Sections 16 and 17		10th March 2008	2008/42

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 18 to 21		10th December 2007	2007/479 (as amended by 2007/527)
Sections 22 and 23		10th March 2008	2008/42
Sections 24 to 27		10th December 2007	2007/479 (as amended by 2007/527)
Section 28		10th March 2008	2008/42
Section 30		10th December 2007	2007/479 (as amended by 2007/527)
Section 31		10th March 2008	2008/42
Sections 32 to 34		10th December 2007	2007/479 (as amended by 2007/527)
Sections 35 and 36		23rd April 2007	2007/250
Sections 37 to 40		10th December 2007	2007/479 (as amended by 2007/527)
Section 41(1) (partially)	To bring section 303B(6) of the 1995 Act into force	10th December 2007	2007/479 (as amended by 2007/527)
Section 41(2) (partially)	To bring sections 308A(2) to (4) of the 1995 Act into force	10th December 2007	2007/479 (as amended by 2007/527)
Section 43		10th December 2007	2007/479 (as amended by 2007/527)
Section 44(2)		23rd April 2007	2007/250
Sections 44, in so far as not already commenced, 45, 47 and 48		10th December 2007	2007/479 (as amended by 2007/527)
Sections 49 and 50		10th March 2008	2008/42

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 51	To make work orders where one or more of the alleged offences in relation to which the work order is to be made was committed in a local authority area where arrangements have been made by that local authority for the supervision of any such work order	2nd June 2008 and 1st April 2011	2008/192; and 2011/188
Sections 52 to 54		10th March 2008	2008/42
Section 55, except for the purpose of any relevant penalty which requires to be paid in any district court		10th March 2008	2008/42
Section 56		23rd April 2007	2007/250
Sections 57 and 58		10th December 2007	2007/479 (as amended by 2007/527)
Section 59 (partially)	To enable orders to be made under section 59(2) of the 2007 Act	10th December 2007	2007/479 (as amended by 2007/527)
Section 59(1), (3), (4), (5), (7), in so far as not already commenced, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Section 59(6), (8) and (9) in so far as not already commenced		10th March 2008	2008/42
Section 59(1), (3), (4), (5) and (7), in so far as not already commenced, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 59, in so far as not already commenced		22nd February 2010	2009/432
Section 60		10th December 2007	2007/479 (as amended by 2007/527)
Section 61		10th March 2008	2008/42
Section 62(4) to (7) (except as they apply to stipendiary magistrates)		10th December 2007	2007/479 (as amended by 2007/527)
Section 62, in so far as not already commenced, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; and 23rd February 2009	2008/42; 2008/192; and 2008/362
Section 62(1) to (3) and (8), but only for the Sheriffdom of Glasgow and Strathkelvin		8th December 2008	2008/329
Section 62(4) to (7) in so far as not already commenced		8th December 2008	2008/329
Section 62, in so far as not already commenced, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Section 62, in so far as not already commenced		22nd February 2010	2009/432
Section 63 except section 63(2)		10th March 2008	2008/42
Sections 64 to 66		10th December 2007	2007/479 (as amended by 2007/527)
Sections 67(5) and (6)		23rd April 2007	2007/250
Sections 67, in so far as not already commenced, and 68 (except subsections (4) and (5))		10th December 2007	2007/479 (as amended by 2007/527)

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 68(4) and (5), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Section 68(4) and (5), but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Section 68, in so far as not already commenced		22nd February 2010	2009/432
Section 69		23rd April 2007	2007/250
Sections 70 to 73		10th December 2007	2007/479 (as amended by 2007/527)
Sections 74 and 75, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Section 74, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Section 74, in so far as not already commenced		22nd February 2010	2009/432
Section 75, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Section 75, in so far as not already commenced		22nd February 2010	2009/432
Sections 76, 77(1) and (4)		10th December 2007	2007/479 (as amended by 2007/527)

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 77(2), (3) and (5), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Section 77(2), (3) and (5) but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Section 77, in so far as not already commenced		22nd February 2010	2009/432
Sections 78 and 79		23rd April 2007	2007/250
Section 80 (partially)	To bring into force certain paragraphs of the schedule to the 2007 Act	23rd April 2007; 10th December 2007; 10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2007/250; 2007/479 (as amended by 2007/527); 2008/42; 2008/192; 2008/329; and 2008/362
Section 80, in so far as not already commenced	To bring into force certain paragraphs of the schedule to the 2007 Act	14th December 2009; 22nd February 2010	2009/432
Sections 81 to 84		22nd February 2007	On Royal Assent
Schedule, paragraph 1		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 2		10th March 2008	2008/42
Schedule, paragraph 3(a) and (c)		2nd June 2008; and 1st April 2011	2008/192; and 2011/188
Schedule, paragraph 4, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraph 4, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Schedule, paragraph 4, in so far as not already commenced		22nd February 2010	2009/432
Schedule, paragraph 5		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 6		23rd April 2007	2007/250
Schedule, paragraph 7, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 7, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Schedule, paragraph 7, in so far as not already commenced		22nd February 2010	2009/432
Schedule, paragraph 8		10th March 2008	2008/42
Schedule, paragraph 9(1) to (6), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 9(1) to (6), but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Schedule, paragraph 9(1) to (6), in so far as not already commenced		22nd February 2010	2009/432

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraph 9(7), but only in so far as it applies to justices of the peace		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 9(7), in so far as not already commenced, but only in so far as it applies to stipendiary magistrates and only for the Sheriffdoms of Glasgow and Strathkelvin; Grampian, Highland and Islands; Lothian and Borders; and Tayside, Central and Fife		8th December 2008 and 23rd February 2009	2008/329 and 2008/362
Schedule, paragraph 9(7), in so far as not already commenced, but only in so far as it applies to stipendiary magistrates and only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Schedule, paragraph 9(7), in so far as not already commenced, but only in so far as it applies to stipendiary magistrates		22nd February 2010	2009/432
Schedule, paragraphs 10 and 11		10th March 2008	2008/42
Schedule, paragraphs 12 to 15		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 16(1)		23rd April 2007	2007/250
Schedule, paragraph 16(2) to 16(6)		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraphs 17, 18(1) and (4)		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraphs 18(2) and (3) and 19		23rd April 2007	2007/250

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraph 20, except for paragraph 20(1)(b)(ii) and 20(3)(b)		10th March 2008	2008/42
Schedule, paragraph 20(1)(b)(ii), except for the purposes of any fines or expenses which require to be paid to the clerk of any district court		10th March 2008	2008/42
Schedule, paragraph 20(3)(b), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 20(3)(b), but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Schedule, paragraph 20(3)(b), in so far as not already commenced		22nd February 2010	2009/432
Schedule, paragraph 21		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 22, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 22, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Schedule, paragraph 22, in so far as not already commenced		22nd February 2010	2009/432

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraphs 23 and 24		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 25(a) and (d), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 25(a) and (d), but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Schedule, paragraph 25, in so far as not already commenced		22nd February 2010	2009/432
Schedule, paragraph 25(b)		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 25(c)		10th March 2008	2008/42
Schedule, paragraph 26, but only for the Sheriffdoms of Lothian and Borders and Grampian, Highland and Islands		10th March 2008 and 2nd June 2008	2008/42 and 2008/192
Schedule, paragraph 26, in so far as not already commenced, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Schedule, paragraph 26, in so far as not already commenced		22nd February 2010	2009/432
Schedule, paragraph 26(a) to (s) and (u) to (v), but only for the Sheriffdom of Glasgow and Strathkelvin		8th December 2008	2008/329
Schedule, paragraph 26(t), in so far as not already commenced		8th December 2008	2008/329

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraph 26, in so far as not already commenced, but only for the Sheriffdom of Tayside, Central and Fife		23rd February 2009	2008/362
Schedule, paragraph 27(a)		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 27(c) (partially)	To repeal paragraph 2 of the schedule to the Bail, Judicial, Appointments etc. (Scotland) Act 2000	10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 27, in so far as not already commenced, but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 27, in so far as not already commenced, but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Schedule, paragraph 27, in so far as not already commenced		22nd February 2010	2009/432
Schedule, paragraphs 28 and 29		10th December 2007	2007/479 (as amended by 2007/527)
Schedule, paragraph 30(a), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 30(a), but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraph 30(a), in so far as not already commenced		22nd February 2010	2009/432
Schedule, paragraphs 31 and 32(a)		10th March 2008	2008/42
Schedule, paragraph 32(b) and (c), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 32(b) and (c), but only for the Sheriffdom of North Strathclyde		14th December 2009	2009/432
Schedule, paragraph 32, in so far as not already commenced		22nd February 2010	2009/432
Schedule, paragraph 33(1) and (2), but only for the Sheriffdoms of Lothian and Borders; Grampian, Highland and Islands; Glasgow and Strathkelvin; and Tayside, Central and Fife and except for the purposes of any statutory instrument made under the 2007 Act		10th March 2008; 2nd June 2008; 8th December 2008; and 23rd February 2009	2008/42; 2008/192; 2008/329; and 2008/362
Schedule, paragraph 33(1) and (2), but only for the Sheriffdom of North Strathclyde and except for the purposes of any statutory instrument made under the 2007 Act		14th December 2009	2009/432

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule, paragraph 33(1) and (2), in so far as not already commenced, except for the purposes of any statutory instrument made under the 2007 Act		22nd February 2010	2009/432
Schedule, paragraph 33(3) and (4)		10th December 2007	2007/479 (as amended by 2007/527)

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