SCOTTISH STATUTORY INSTRUMENTS

2003 No. 287

CRIMINAL LAW

The Criminal Justice (Scotland) Act 2003 (Saving and Transitional Provisions) Order 2003

Made - - - -	*5th June 2003*
Laid before the Scottish Parliament - - - -	*6th June 2003*
Coming into force - -	*27th June 2003*

The Scottish Ministers, in exercise of the power conferred by section 84(1) of the Criminal Justice (Scotland) Act 2003(**1**), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice (Scotland) Act 2003 (Saving and Transitional Provisions) Order 2003.

(2) This Order shall come into force on 27th June 2003.

(3) In this Order–

"the Act" means the Criminal Justice (Scotland) Act 2003;

"the 1989 Act" means the Prisons (Scotland) Act 1989(**2**); and

"the 1993 Act" means the Prisoners and Criminal Proceedings (Scotland) Act 1993(**3**).

Saving and transitional provisions

2.—(1) This article applies in any case where, in respect of a prisoner, the Scottish Ministers have, prior to the commencement of sections 27, 28 and 38 of the Act, received a recommendation from the Parole Board for Scotland for the purpose of section 22(1) of the 1989 Act(**4**), section 1(3)(**5**) or

(**1**) 2003 asp 7.
(**2**) 1989 c. 45.
(**3**) 1993 c. 9.
(**4**) 1989 c. 45. Section 22 was repealed by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9) ("the 1993 Act"), Schedule 7, Part I but was saved in respect of prisoners to whom the "existing provisions" as defined in paragraph 1 of Schedule 6 to the 1993 Act apply for the purposes of that Act; paragraph 1 of Schedule 6 was relevantly amended by the Criminal Justice Act 1993 (c. 36), section 76(3) and by the Criminal Justice and Public Order Act 1994 (c. 33) ("the 1994 Act"), section 134(1)(a); section 22 was expressly included in the definition of "existing provisions" by the 1994 Act, section 134(2) and in its application to prisoners to whom the "existing provisions" specified in paragraph 1 of Schedule 6 to the 1993 Act