

*These notes relate to the Convention Rights (Compliance) (Scotland)
Act 2001 (asp 7) which received Royal Assent on 5 July 2001*

CONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Schedule

Transitional Provisions

Part 4

Transferred life prisoners

127. [Part 4](#) of the schedule makes provision for certain existing transferred life prisoners, equivalent to the provision in Part 1, to enable an existing transferred life prisoner covered by Part 4 to have a punishment part hearing so that the new regime can apply as if the prisoner had a punishment part fixed at the time of sentence.
128. As in Part 1, the Scottish Ministers will refer the case to the High Court unless the prisoner already has an equivalent to a punishment part from the sending jurisdiction and waives his right to have a part set by the High Court.
129. In particular, paragraph 61 provides that it shall not be a ground of appeal that, in setting the punishment part for a transferred life prisoner, the court had regard to any certificate or judicial recommendation made by the Lord Chief Justice of England and Wales relating to the period that the prisoner should serve before becoming eligible to be released on licence.