



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 4

PRISONERS ETC.

Special provision as regards certain life prisoners

39 Convention rights of certain life prisoners

In the schedule to the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7)—

(a) in Part 1 (existing life prisoners), after paragraph 7 there is inserted—

“7A In the case of a prisoner to whom paragraph 6 above applies, Part 1 of the 1993 Act as amended by this Act shall apply as if the part of the prisoner’s sentence specified in the certificate mentioned in paragraph 1(b) above were a punishment part specified under section 2(2) of the 1993 Act as amended by this Act.”; and

(b) in Part 4 (transferred life prisoners)—

(i) after paragraph 49 there is inserted—

“49A This Part of this schedule also applies to—

(a) any life prisoner who was transferred—

- (i) on or after the coming into force of section 10 of the 1993 Act; and
- (ii) before the relevant date,

and to whom, by virtue of the Crime and Punishment (Scotland) Act 1997 (c. 48), subsections (2) and (3) of that section applied subsequent to the prisoner’s transfer; and

(b) any other life prisoner who was—

- (i) transferred to Scotland before the coming into effect of section 10 of the 1993 Act; and
- (ii) as at the relevant date, a life prisoner such as is mentioned in any of sub-paragraphs

Status: This is the original version (as it was originally enacted).

- (a) to (c) of paragraph 49 above (the references in those sub-paragraphs to that section being construed as references to that section as it had effect on that date).”;
- (ii) in paragraph 50, after the word “49” there is inserted “or 49A”;
- (iii) in paragraph 53, after the word “applies” there is inserted “, to whom sub-paragraph (a) of paragraph 49A above applies (whether or not paragraph 49(b) above also applies to the prisoner) or to whom sub-paragraph (b) of paragraph 49A above applies (in so far as that sub-paragraph relates to paragraph 49(c) above)”;
- (iv) in paragraph 54, for the words from “to” in the first place where it occurs to “applies” there is substituted “such as is mentioned in paragraph 52 or 53 above”; and
- (v) for paragraph 67 there is substituted—

“67 In the case of a prisoner to whom paragraph 53 above applies, Part 1 of the 1993 Act (except subsection (9) of section 2) as amended by this Act shall apply as if—

- (a) the prisoner were a life prisoner within the meaning of subsection (1) of that section; and
- (b) the part of the prisoner’s sentence specified in the certificate referred to in sub-paragraph (c) of paragraph 57 above were a punishment part specified under subsection (2) of that section.”.