



Management of Offenders etc. (Scotland) Act 2005

2005 asp 14

Miscellaneous

21 Further amendments and repeal

(1) In section 27 of the Social Work (Scotland) Act 1968 (c. 49) (supervision and care of persons put on probation or released from prisons etc.)—

(a) in subsection (1)—

(i) at the beginning insert “ Subject to any order or determination under section 8 of the Management of Offenders etc. (Scotland) Act 2005 (asp 14), ”; and

(ii) after paragraph (ad) insert—

“(ae) making available to the Scottish Ministers such background and other reports as the Scottish Ministers may request in relation to the exercise of their functions under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9);”;

(b) after subsection (1B) insert—

“(1C) In paragraphs (ac) and (b)(i) and (ii) of subsection (1) above, “enactment” includes an Act of the Scottish Parliament.

(1D) The Scottish Ministers may by order amend subsection (1) above so as (any or all)—

(a) to add to the functions for the time being described;

(b) to omit any of those functions;

(c) to alter any of those functions.”; and

(c) in subsection (2), for the words “the foregoing subsection” substitute “ subsection (1) above ”.

(2) In section 27A of that Act (grants in respect of community service facilities)—

(a) for subsection (1) substitute—

“(1) The Scottish Ministers may (any or all)—

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- (a) pay to a community justice authority, for allocation under section 3(5)(e)(i) of the Management of Offenders etc. (Scotland) Act 2005 (asp 14) as grants to the local authorities within its area;
 - (b) make a grant to a local authority of;
 - (c) make a grant to a community justice authority, in respect of any function exercisable by that authority by virtue of section 8(2) or (3) of that Act of 2005, of,

such amount as the Scottish Ministers may determine in respect of expenditure incurred by, as the case may be, those local authorities, that local authority or that community justice authority, in providing a relevant service.
- (1A) In subsection (1) above, a “relevant service” means a service—
- (a) for the purposes mentioned in section 27(1) of this Act;
 - (b) for enabling those local authorities, that local authority or that community justice authority to comply with the area plan prepared by the community justice authority under section 3(5)(a)(i) of that Act of 2005; or
 - (c) for such other similar purposes as the Scottish Ministers may prescribe.
- (1B) Any grant made under, or paid by virtue of, subsection (1) above is subject to such conditions as the Scottish Ministers may determine.”;
- and
- (b) in subsection (2), for the words “(1)(b)” substitute “ (1)(c) ”.
- (3) In section 27B of that Act (grants in respect of hostel accommodation for persons under supervision)—
- (a) for subsection (1) substitute—

“(1) The Scottish Ministers may (any or all)—

 - (a) pay to a community justice authority, for allocation under section 3(5)(e)(ii) of the Management of Offenders etc. (Scotland) Act 2005 (asp 14) as grants to the local authorities within its area;
 - (b) make a grant to a local authority of;
 - (c) make a grant to a community justice authority, in respect of any function exercisable by that authority by virtue of section 8(2) or (3) of that Act of 2005, of,

such amount as the Scottish Ministers may determine in respect of relevant expenditure.
- (1A) In subsection (1) above, “relevant expenditure” means expenditure incurred by, as the case may be, those local authorities or that local authority in—
- (a) providing; or
 - (b) contributing by way of grant under section 10(3) of this Act to the provision by a voluntary organisation of,

residential accommodation wholly or mainly for the persons mentioned in subsection (2) below.

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- (1B) Any grant made under, or paid by virtue of, subsection (1) above is subject to such conditions as the Scottish Ministers may determine.”; and
- (b) in subsection (2), for “subsection (1)” substitute “ subsection (1A) ”.
- (4) In section 90 of that Act (orders, regulations etc.), after subsection (3) add—
- “(4) A statutory instrument containing an order under section 27(1D) or 27A(1A) (c) of this Act is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.”.
- (5) In the Schedule to the Repatriation of Prisoners Act 1984 (c. 47) (operation of certain enactments in relation to prisoner), in paragraph 2 as substituted by section 33(1)(b)(i) of the Criminal Justice (Scotland) Act 2003 (asp 7) (prisoners repatriated to Scotland)
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- (a) in sub-paragraph (1), for the words “2(2) and (7)” substitute “ 1AA, 2(2) and (7), 3AA ”; and
- (b) in sub-paragraph (2), for the words “or 2(2) or (7)” substitute “ , 2(2) or (7) or 3AA ”.
- ^{F1}(6)
- (7) In section 27(4A) of the 1993 Act (construction of references in Part 1 of that Act to wholly concurrent or partly concurrent terms of imprisonment or detention), in sub-paragraph (i) of paragraph (a) and in each of sub-paragraphs (i) and (ii) of paragraph (b), for the words “is imposed” substitute “ commences ”.
- (8) In Schedule 1 to the Crime (Sentences) Act 1997 (c. 43) (transfer of prisoners within the British Isles)—
- (a) in paragraph 10—
- (i) in sub-paragraph (2)(a), for the words “1A, 3” substitute “ 1AA, 1A, 3, 3AA ”; and
- (ii) in sub-paragraph (5)(a), for the words “1A, 2(4)” substitute “ 1AA, 1A, 2(4), 3AA ”;
- (b) in paragraph 11(2)—
- (i) for the word “or”, where it occurs for the second time, substitute “ to ”; and
- (ii) in head (a), for the words “1A, 3” substitute “ 1AA, 1A, 3, 3AA ”; and
- (c) in paragraph 11(4)(a), for the words “1A” substitute “ 1AA, 1A, 3AA ”.
- ^{F2}(9)
- (10) In section 24(c) of the International Criminal Court (Scotland) Act 2001 (asp 13) (limited disapplication of certain provisions relating to sentences), for the words “1A, 2, 3” substitute “ 1AA, 1A, 2, 3, 3AA ”.
- ^{F3}(11)
- ^{F3}(12)
- (13) In section 40(1) of the Criminal Justice (Scotland) Act 2003 (asp 7) (remote monitoring of released prisoners), the words from “but” to the end are repealed.

Changes to legislation: There are currently no known outstanding effects for the Management of Offenders etc. (Scotland) Act 2005, Section 21. (See end of Document for details)

Textual Amendments

- F1** S. 21(6) repealed (31.8.2015) by [The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015 \(S.S.I. 2015/39\)](#), art. 1, **Sch. para. 7**
- F2** S. 21(9) repealed (31.3.2017) by [Community Justice \(Scotland\) Act 2016 \(asp 10\)](#), s. 41(2), **sch. 2 para. 5(4)**; S.S.I. 2017/33, reg. 2(1)(2), sch.
- F3** S. 21(11)(12) repealed (31.3.2017) by [Community Justice \(Scotland\) Act 2016 \(asp 10\)](#), s. 41(2), **sch. 2 para. 5(4)**; S.S.I. 2017/33, reg. 2(1)(2), sch.

Modifications etc. (not altering text)

- C1** S. 21(8) extended to E.W.and N.I. (1.4.2006) by [The Management of Offenders etc. \(Scotland\) Act 2005 \(Consequential Modifications\) Order 2006 \(S.I. 2006/1055\)](#), **art. 3**

Commencement Information

- I1** S. 21 wholly in force at 2.4.2007; s. 21 not in force at Royal Assent, see s. 24; s. 21(1)(a)(ii)(b)(c)(4)(5)(8)(10) in force at 8.2.2006 and s. 21(1)(a)(i)(2)(3)(7)(9)(11)(12) in force at 3.4.2006 by [S.S.I. 2006/48](#), **art. 3**, **Sch.**; s. 21(13) in force at 1.12.2006 and s. 21(6) in force at 2.4.2007 by [S.S.I. 2006/545](#), **art. 2**

Changes to legislation:

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