

*These notes relate to the Custodial Sentences and Weapons (Scotland)
Act 2007 (asp 17) which received Royal Assent on 19 April 2007*

CUSTODIAL SENTENCES AND WEAPONS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 2 - Confinement and Release of Prisoners **CHAPTER 3**

Community and Life Licences

Suspension

Section 36 - Suspension of licence conditions while detained

75. This section provides that if a custody and community prisoner or a life prisoner is detained in custody, for whatever reason, during a period when their licence is still in force, then the licence conditions - with certain exceptions - are suspended. As provided for at subsections (4)(a) and (b), the suspension remains in place for so long as the prisoner is confined in prison and for so long as the licence remains in force.
76. The exceptions are set out in subsection (3), namely, the condition that the prisoner be of good behaviour and keep the peace and any condition that the prisoner must not contact a named person or class of persons. These conditions continue in force, and breach of them can lead to the licence being revoked.
77. Subsection (5) allows Scottish Ministers, by order, to add to these conditions and to cancel or vary them.