



# Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

## PART 2

### CONFINEMENT AND RELEASE OF PRISONERS

#### CHAPTER 1

##### INTRODUCTORY

### 3 Application of Part 2

This Part does not apply in relation to a sentence (other than a life sentence) imposed on a person for an offence committed before the coming into force of the Part.

### 4 Basic definitions

(1) In this Part—

“the 1995 Act” means the Criminal Procedure (Scotland) Act [1995 \(c. 46\)](#),

“curfew condition” has the meaning given by section 48,

“custody and community prisoner” means a person serving a custody and community sentence,

“custody and community sentence” means a sentence of imprisonment for an offence for a term of 15 days or more,

“custody-only prisoner” means a person serving a custody-only sentence,

“custody-only sentence” means a sentence of imprisonment for a term of less than 15 days; and includes a sentence of detention imposed under section 206(2) of the 1995 Act (detention for up to 4 days in summary case),

“custody part” has the meaning given by section 6(3),

“life prisoner” means a person on whom a life sentence is imposed,

“life sentence” means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) a sentence of life imprisonment for an offence for which that sentence is not the sentence fixed by law (a “discretionary life sentence”),
  - (b) a sentence of life imprisonment for murder or for any other offence for which that sentence is the sentence fixed by law (a “mandatory life sentence”), or
  - (c) a sentence of imprisonment for an indeterminate period constituted by an order for lifelong restriction under section 210F of the 1995 Act,
- “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),
- “Parole Board” means the Parole Board for Scotland,
- “punishment part” has the meaning given by section 20(3),
- “standard conditions” means the conditions mentioned in section 28(2), and
- “supervision conditions” means the conditions mentioned in section 29(4).
- (2) The Scottish Ministers may by order amend the definitions of “custody and community sentence” and “custody-only sentence” in subsection (1) by substituting a different term for the term for the time being mentioned in those definitions.
  - (3) References in this Part to release on community licence are references to the release on licence of a custody and community prisoner.
  - (4) References in this Part to release on life licence are references to the release on licence of a life prisoner.