



# Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

## PART 2

### CONFINEMENT AND RELEASE OF PRISONERS

#### CHAPTER 3

##### COMMUNITY AND LIFE LICENCES

PROSPECTIVE

##### *Community licences*

#### **30 Release on community licence on Parole Board's direction**

- (1) This section applies where by virtue of section 13(2)(b), 14(3)(b), 16(3), 18(3)(b) or 42(4)(b) the Parole Board specifies conditions which are to be included in a prisoner's community licence.
- (2) The Scottish Ministers must include in the prisoner's community licence—
  - (a) those conditions,
  - (b) the standard conditions, and
  - (c) if section 29(1) applies, the supervision conditions.
- (3) On the direction of the Parole Board, the Scottish Ministers may—
  - (a) vary the conditions mentioned in subsection (2),
  - (b) cancel conditions (other than the standard conditions and the supervision conditions),
  - (c) include in the licence further conditions.

**Status:** This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** *Custodial Sentences and Weapons (Scotland) Act 2007, Cross Heading: Community licences* is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

**Modifications etc. (not altering text)**

- C1 Pt. 2 power to modify conferred (24.9.2012) by [Criminal Cases \(Punishment and Review\) \(Scotland\) Act 2012 \(asp 7\)](#), **ss. 2(2)**, 5(2); S.S.I. 2012/249, art. 2

**31 Community licences in which Scottish Ministers may specify conditions**

- (1) This section applies where by virtue of section 11(2) or 27(1) the Scottish Ministers release a prisoner on community licence.
- (2) The Scottish Ministers—
  - (a) must include in the prisoner's community licence—
    - (i) the standard conditions, and
    - (ii) if section 29(1) applies, the supervision conditions,
  - (b) may include in the licence such other conditions as they consider appropriate.
- (3) The Scottish Ministers may—
  - (a) vary the conditions mentioned in subsection (2),
  - (b) cancel conditions (other than the standard conditions and the supervision conditions),
  - (c) include in the licence such further conditions as they consider appropriate.
- (4) Before exercising any of the powers conferred by subsection (2) or (3), the Scottish Ministers must, in pursuance of arrangements established under section 9(1), co-operate with the appropriate local authority.
- (5) In subsection (4) “appropriate local authority” has the same meaning as in section 9.

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

Custodial Sentences and Weapons (Scotland) Act 2007, Cross Heading: Community licences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29A inserted by [2010 asp 13 s. 18\(6\)](#)
- s. 42A inserted by [2010 asp 13 Sch. 3 para. 6](#)
- s. 45(1)(za)(zb) inserted by [2010 asp 13 Sch. 3 para. 7\(2\)](#)
- s. 46A inserted by [2010 asp 13 s. 18\(7\)](#)
- s. 47(3A) inserted by [2010 asp 13 s. 18\(8\)\(c\)](#)
- s. 47(8)(a)(b) substituted for words by [2010 asp 13 s. 18\(8\)\(e\)](#)
- s. 51(1A) inserted by [2010 asp 13 Sch. 3 para. 9\(3\)](#)
- Sch. 2 para. 1(4) added by [2010 asp 13 Sch. 3 para. 13\(3\)\(c\)](#)
- Sch. 2 para. 7(1A) inserted by [2010 asp 13 Sch. 3 para. 13\(8\)](#)
- Sch. 3 para. 2A inserted by [2010 asp 13 Sch. 3 para. 14\(3\)](#)
- Sch. 3 para. 3(3) inserted by [2010 asp 13 Sch. 3 para. 14\(4\)\(b\)](#)
- Sch. 3 para. 3A inserted by [2010 asp 13 Sch. 3 para. 14\(5\)](#)
- Sch. 3 para. 5(4A) inserted by [2010 asp 13 Sch. 3 para. 14\(6\)\(d\)](#)
- Sch. 3 para. 5(6) inserted by [2010 asp 13 Sch. 3 para. 14\(6\)\(e\)](#)