



Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

PART 2

CONFINEMENT AND RELEASE OF PRISONERS

PROSPECTIVE

CHAPTER 7

APPLICATION OF PART 2 TO CERTAIN PERSONS

54 Persons detained under mental health provisions

- (1) Where a transfer for treatment direction under section 136(2) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) has been made in respect of a person serving a sentence of imprisonment, this Part applies to that person as if—
 - (a) the person continues to serve the sentence while detained in hospital, and
 - (b) the person had not been removed to hospital.
- (2) Where a person is conveyed to and detained in a hospital pursuant to a hospital direction under section 59A of the 1995 Act, this Part applies to that person as if, while so detained, the person were serving a sentence of imprisonment imposed at the time the direction was made.

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

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: Custodial Sentences and Weapons (Scotland) Act 2007, Chapter 7 is up to date with all changes known to be in force on or before 16 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

55 Application to young offenders and children

- (1) This Part applies in relation to the persons mentioned in subsection (2) as it applies in relation to custody-only prisoners.
- (2) Those persons are—
 - (a) a person on whom detention is imposed under section 207(2) of the 1995 Act for a period of less than 15 days,
 - (b) a person sentenced to be detained under section 208 of that Act for such a period.
- (3) This Part applies in relation to the persons mentioned in subsection (4) as it applies in relation to custody and community prisoners.
- (4) Those persons are—
 - (a) a person on whom detention is imposed under section 207(2) of the 1995 Act for a period of 15 days or more,
 - (b) a person sentenced to be detained under section 208 of that Act for such a period.
- (5) This Part applies in relation to the persons mentioned in subsection (6) as it applies in relation to life prisoners.
- (6) Those persons are—
 - (a) a person sentenced under section 205(2) or (3) of the 1995 Act to be detained without limit of time or for life,
 - (b) a person on whom detention without limit of time or for life is imposed under section 207(2) of that Act,
 - (c) a person sentenced to be detained without limit of time under section 208 of that Act.
- (7) In this Part as applied by subsections (1), (3) and (5), references to imprisonment are to be read as references to detention; and cognate expressions are to be construed accordingly.

56 Fine defaulters and persons in contempt of court

- (1) This Part applies in relation to the persons mentioned in subsection (2) as it applies in relation to custody-only prisoners.
- (2) Those persons are—
 - (a) a person serving by virtue of section 219(1) of the 1995 Act a period of imprisonment or, as the case may be, a period of detention in a young offenders institution,
 - (b) a person serving a period of imprisonment or, as the case may be, a period of detention in a young offenders institution for contempt of court.
- (3) Subsection (1) does not apply in relation to—
 - (a) a person on whom the court imposes before the coming into force of this Part—
 - (i) a period of imprisonment in default of payment of a fine under paragraph (a) of section 219(1) of the 1995 Act, or
 - (ii) imprisonment for failure to pay a fine, or any part or instalment of a fine, under paragraph (b) of that section, or

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- (b) a person found in contempt of court, where the conduct which is treated as contempt of court occurs (or first occurs) before the coming into force of this Part.

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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\(6\)\(e\)](#)