



# Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

## PART 2

### CONFINEMENT AND RELEASE OF PRISONERS

## 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.

#### **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.

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*Status: This is the original version (as it was originally enacted).*

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- (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
  - (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.