

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

Changes to legislation: Custodial Sentences and Weapons (Scotland) Act 2007, SCHEDULE 4 is up to date with all changes known to be in force on or before 11 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

PROSPECTIVE

SCHEDULE 4

(introduced by section 66(1))

MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 1 (1) Section 167 of the 1995 Act (forms of finding and sentence in summary proceedings) is amended as follows.
- (2) In subsection (7)—
- (a) ”paragraph (a) and the word “or immediately following it are repealed,
 - (b) for the words “previous sentence for a term or order” substitute “ period mentioned in subsection (7D) below ”, and
 - (c) for the words “later conviction or order” substitute “ order mentioned in paragraph (b) of this subsection ”.
- (3) After subsection (7C), insert—
- “(7D) The periods are—
- (a) any previous custody-only sentence,
 - (b) the custody part of any previous custody and community sentence,
 - (c) any previous sentence for a term passed by a court in any part of the United Kingdom outwith Scotland,
- following on conviction or any previous order for committal in default of payment of any sum of money or for contempt of court.
- (7E) In subsection (7D) above, “custody and community sentence”, “custody-only sentence” and “custody part” have the meanings given by section 4(1) of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17).”.
- 2 In section 204A of the 1995 Act (restriction on consecutive sentences for released prisoners), for the words from “at” to the end of the section substitute “ on licence by virtue of Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17). ”.
- 3 (1) Section 210A of the 1995 Act (extended sentences for sex and violent offenders) is amended as follows.
- (2) In subsection (1)(b), before “licence” insert “ community ”.
- (3) In subsection (2)—
- (a) in paragraph (a), for “custodial” substitute “ confinement ”,
 - (b) in paragraph (b), before “licence” insert “ community ”.
- (4) In subsection (6), for “custodial” substitute “ confinement ”.
- (5) In subsection (10), for the words from “ “licence”” to “1993” substitute—
- ““community licence” has the same meaning as in Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17);

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“relevant officer”, in relation to a local authority, means an officer of that authority employed by them in the discharge of their functions under section 27(1) of the Social Work (Scotland) Act 1968 (supervision and care of persons put on probation or released from prison etc.);”.

Criminal Justice (Scotland) Act 2003 (asp 7)

- 4 (1) Section 40 of the Criminal Justice (Scotland) Act 2003 (remote monitoring of released prisoners) is amended as follows.
- (2) In subsection (1), for the words from “licence” to the end of paragraph (b) substitute “community licence or life licence under Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)”.
- (3) In subsection (3)—
- (a) for “specify” substitute “include”, and
 - (b) for “specified” substitute “included”.
- (4) In subsection (8), for paragraphs (a) and (b) substitute—
- “(a) section 30 of the Custodial Sentences and Weapons (Scotland) Act 2007 (community licences: Scottish Ministers to include only licence conditions specified by Parole Board), or
 - (b) section 32(2) of that Act (life licences: Scottish Ministers to include only licence conditions specified by Parole Board).”.

Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)

- 5 (1) The Police, Public Order and Criminal Justice (Scotland) Act 2006 is amended as follows.
- (2) In section 91 (assistance by offender: reduction in sentence), in subsection (8)(b), for “section 2 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)” substitute “section 20(3) of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)”.
- (3) In section 92 (assistance by offender: review of sentence), in subsection (5), for the words from “(whether” to the end of the subsection substitute “on licence under Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17) is to be treated as still serving the sentence for so long as the licence remains in force.”
- (4) In section 94 (section 92: further provision), in subsection (3)(b)—
- (a) for “or unconditionally under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)” substitute “under Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)”, and
 - (b) the words from “before” to “full” are repealed.

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