

Status: This version of this provision is prospective.

Changes to legislation: *Custodial Sentences and Weapons (Scotland) Act 2007, Section 28 is up to date with all changes known to be in force on or before 27 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*



Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

PART 2

CONFINEMENT AND RELEASE OF PRISONERS

CHAPTER 3

COMMUNITY AND LIFE LICENCES

The standard conditions

PROSPECTIVE

28 Release on licence: the standard conditions

- (1) Where a prisoner is released on licence by virtue of this Part, the prisoner is released subject to the standard conditions.
- (2) The standard conditions are—
 - (a) that the prisoner must be of good behaviour, and
 - (b) that, subject to subsection (3), the prisoner is prohibited from leaving the United Kingdom.
- (3) Paragraph (b) of subsection (2) does not apply if—
 - (a) the prisoner falls within subsection (4), or
 - (b) the Scottish Ministers permit, or a person designated by them for the purposes of this section permits, the prisoner to leave the United Kingdom.
- (4) The prisoner falls within this subsection if—
 - (a) the prisoner is liable to deportation under section 3(5) of the Immigration Act 1971 (c. 77) and has been notified of a decision to make a deportation order,
 - (b) the prisoner is liable to deportation under section 3(6) of that Act,

Status: This version of this provision is prospective.

Changes to legislation: Custodial Sentences and Weapons (Scotland) Act 2007, Section 28 is up to date with all changes known to be in force on or before 27 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](#)

- (c) the prisoner has been notified of a decision to refuse the prisoner leave to enter the United Kingdom,
- (d) the prisoner is an illegal entrant within the meaning of section 33(1) of that Act,
- (e) the prisoner is liable to removal under section 10 of the Immigration and Asylum Act 1999 (c. 33).

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 provision is prospective.

Changes to legislation:

Custodial Sentences and Weapons (Scotland) Act 2007, Section 28 is up to date with all changes known to be in force on or before 27 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.

[View outstanding changes](#)

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