

Status: This version of this provision is prospective.

Changes to legislation: *Custodial Sentences and Weapons (Scotland) Act 2007, Section 37 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*



Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

PART 2

CONFINEMENT AND RELEASE OF PRISONERS

CHAPTER 3

COMMUNITY AND LIFE LICENCES

Revocation

PROSPECTIVE

37 Revocation of licence

(1) If—

- (a) a prisoner is released on licence by virtue of section 11(2), 13(2)(a), 19(1), 23(2)(a), 27(1) or 42(4)(a),
- (b) the prisoner is not detained as mentioned in section 36(1)(b), and
- (c) subsections (2) and (3) apply,

the Scottish Ministers must revoke the licence and recall the prisoner to prison.

(2) This subsection applies if—

- (a) the prisoner breaches a licence condition, or
- (b) the Scottish Ministers consider that the prisoner is likely to breach a licence condition.

(3) This subsection applies if the Scottish Ministers consider that it is in the public interest to revoke the licence and recall the prisoner to prison.

(4) If—

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- (a) a prisoner is released on licence by virtue of section 11(2), 13(2)(a), 19(1), 23(2)(a), 27(1) or 42(4)(a),
 - (b) the prisoner is detained as mentioned in section 36(1)(b), and
 - (c) subsections (2) and (5) apply,
- the Scottish Ministers must revoke the licence.
- (5) This subsection applies if the Scottish Ministers consider that it is in the public interest to revoke the licence.

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

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Changes and effects yet to be applied to :

- s. 37(1)(a) word inserted by [2010 asp 13 Sch. 3 para. 3\(c\)](#)
- s. 37(4)(a) word inserted by [2010 asp 13 Sch. 3 para. 3\(c\)](#)

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