



Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

PART 2

CONFINEMENT AND RELEASE OF PRISONERS

CHAPTER 4

CURFEW LICENCES

47 Curfew licences

- (1) Subsection (2) applies in relation to a custody and community prisoner who—
 - (a) is serving a sentence of imprisonment for a term of 3 months or more, and
 - (b) is of a description specified by the Scottish Ministers by order.
- (2) The Scottish Ministers may release the prisoner on licence (a “curfew licence”) before the expiry of the custody part of the prisoner’s sentence.
- (3) A curfew licence must include a curfew condition.
- (4) The Scottish Ministers may release a prisoner on curfew licence only—
 - (a) after the later of—
 - (i) the day on which the prisoner has served the greater of one-quarter or four weeks of the prisoner’s sentence, or
 - (ii) the day falling 135 days before the expiry of the custody part of the sentence, and
 - (b) before the day falling 14 days before the expiry of the custody part.
- (5) In determining whether to release a prisoner on curfew licence, the Scottish Ministers must have regard to the need to—
 - (a) protect the public at large,
 - (b) prevent re-offending by the prisoner, and
 - (c) secure the successful re-integration of the prisoner into the community.

Status: This is the original version (as it was originally enacted).

- (6) The Scottish Ministers may include in a curfew licence such other conditions as they consider appropriate.
- (7) Where a prisoner is released on curfew licence, the prisoner must, while the licence is in force, comply with the conditions included in the licence.
- (8) A curfew licence remains in force until the expiry of the custody part of the prisoner's sentence.
- (9) An order under subsection (1)(b) may include provision—
 - (a) applying provisions of this Part to curfew licences subject to modifications specified in the order,
 - (b) amending the periods of time mentioned in subsection (4).