

These notes relate to the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) which received Royal Assent on 6 August 2010

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Sentencing

Section 16 - Short periods of detention

78. Section 169 of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) permits summary courts to detain offenders at court or a police station until 8pm in lieu of imprisonment, so long as the offender can get home that day. As this section is not used and has been redundant for some time, section 16(2) repeals section 169 of the 1995 Act.
79. Section 206(1) of the 1995 Act provides that a summary court cannot impose imprisonment for a period of less than five days. The time period for imposing imprisonment is being extended by section 16(3)(a) from less than “five days” to less than “fifteen days”. Subsections (2) to (6) of section 206 of the 1995 Act permit summary courts to sentence an offender to be detained in a certified police cell or similar place for up to four days. As there are no such certified police cells in Scotland, and have not been any for some time, subsections (2) to (6) are redundant and are therefore being repealed by section 16(3)(b).