

SCHEDULE 4
CONVICTIONS BY COURTS IN OTHER EU MEMBER
STATES: MODIFICATIONS OF ENACTMENTS

PART 1

THE 1995 ACT

The 1995 Act

- 8 In section 307 (interpretation)—
- (a) in subsection (1), insert the following definition at the appropriate place—
““conviction”, in relation to a previous conviction by a court outside Scotland, means a final decision of a criminal court establishing guilt of a criminal offence;”, and
 - (b) for subsection (5) substitute—
“(5) Except where the context requires otherwise—
 - (a) any reference in this Act to a previous conviction is to be construed as a reference to a previous conviction by a court in any part of the United Kingdom or in any other member State of the European Union;
 - (b) any reference in this Act to a previous sentence is to be construed as a reference to a previous sentence passed by any such court;
 - (c) any reference to a previous conviction of a particular offence is to be construed, in relation to a previous conviction by a court outside Scotland, as a reference to a previous conviction of an equivalent offence; and
 - (d) any reference to a previous sentence of a particular kind is to be construed, in relation to a previous sentence passed by a court outside Scotland, as a reference to a previous sentence of an equivalent kind.”.