



# Criminal Procedure (Scotland) Act 1975

## 1975 CHAPTER 21

### <sup>F1</sup>PROCEDURE PRIOR TO TRIAL

#### CONVICTION AND SENTENCE

*Imprisonment, etc.*

#### <sup>F1</sup>212A Supervised release orders.

(1) Where a person is convicted of an offence and is sentenced to imprisonment for a term of not less than twelve months but less than four years, the court on passing sentence may, if it considers that it is necessary to do so to protect the public from serious harm from the offender on his release, make such order as is mentioned in subsection (2) below.

<sup>F2</sup>(1A) A court shall, before making an order under subsection (1) above, consider a report by a relevant officer of a local authority about the offender and his circumstances and, if the court thinks it necessary, hear that officer.]

(2) The order referred to in subsection (1) above (to be known as a “supervised release order”) is that the person, during a relevant period—

(a) be under the supervision either of a relevant officer of a local authority or of a probation officer appointed for or assigned to a petty sessions area (such local authority or the justices for such area to be designated under section 14(4) or 15(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993);

<sup>F3</sup>(b) comply with—

(i) such requirements as may be imposed by the court in the order;] and  
(ii) such requirements as that officer may reasonably specify, <sup>F4</sup>; and

(c) comply with the standard requirements imposed by virtue of subsection (3) (a)(i) below]

for the purpose of securing the good conduct of the person or preventing, or lessening the possibility of, his committing a further offence (whether or not an offence of the kind for which he was sentenced).

*Changes to legislation: Criminal Procedure (Scotland) Act 1975, Section 212A is up to date with all changes known to be in force on or before 26 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*

- (3) A supervised release order—
- [<sup>F5</sup>(a) shall—
- (i) without prejudice to subsection (2)(b) above, contain such requirements (in this section referred to as the “standard requirements”); and
- (ii) be as nearly as possible in such form, as may be prescribed by Act of Adjournal;]
- (b) for the purposes of any appeal or review constitutes part of the sentence of the person in respect of whom the order is made; and
- (c) shall have no effect during any period in which the person is subject to a licence under Part I of the said Act of 1993.
- (4) Before making a supervised release order as respects a person the court shall explain to him, in as straightforward a way as is practicable, the effect of the order and the possible consequences for him of any breach of it.
- (5) The clerk of the court by which a supervised release order is made in respect of a person shall—
- (a) forthwith send a copy of the order to the person and to the Secretary of State; and
- (b) within seven days after the date on which the order is made, send to the Secretary of State such documents and information relating to the case and to the person as are likely to be of assistance to a supervising officer.
- (6) In this section—
- “relevant officer” has the same meaning as in Part I of the Prisoners and Criminal Proceedings (Scotland) Act 1993;
- “relevant period” means such period as may be specified in the supervised release order, being a period—
- (a) not exceeding twelve months after the date of the person’s release; and
- (b) no part of which is later than the date by which the entire term of imprisonment specified in his sentence has elapsed; and
- “supervising officer” means, where an authority has or justices have been designated as is mentioned in subsection (2)(a) above for the purposes of the order, any relevant officer or, as the case may be, probation officer who is for the time being supervising for those purposes the person released.
- <sup>F6</sup>[(7) The foregoing provisions of this section apply to a person sentenced under section 207 or 415 of this Act as the provisions apply to a person sentenced to a period of imprisonment.]]

#### Textual Amendments

- F1** Act repealed (S.) (1.4.1996) by [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995](#) (c. 40), s. 6(1), [Sch. 5](#) (with ss. 4, 6(2), [Sch. 3](#) paras. 3, 16, [Sch. 6](#))
- F2** [S. 212A\(1A\)](#) inserted (S.) (31.3.1996 subject to transitional provisions and savings in the commencing S.I.) by [1995 c. 20, s. 36](#); [S.I. 1996/517, arts. 3\(2\), 4-6, Sch. 2](#)
- F3** [S. 212A\(2\)\(b\)\(i\)](#) substituted (S.) (3.2.1995) for [s. 212A\(b\)\(i\)](#) and the word “and” immediately preceding it by [1994 c. 33, s. 132\(a\)\(i\)](#); [S.I. 1995/127, art. 2\(1\), Sch. 1](#) (subject to transitional provisions in [art. 2\(2\)\(3\)](#))

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- F4** S. 212A(2)(c) and the word “and” immediately preceding it added (S.) (3.2.1995) by 1994 c. 33, s. **132(a)(ii)**; S.I. 1995/127, art. 2(1), **Sch. 1** (subject to transitional provisions in art. 2(2)(3))
- F5** S. 212A(3)(a) substituted (S.) (3.2.1995) by 1994 c. 33, s. **132(b)**; S.I. 1995/127, art. 2(1), **Sch. 1** (subject to transitional provisions in art. 2(2)(3))
- F6** S. 212A(7) added (27.7.1993) by 1993 c. 36, s. **69**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act certain function transferred. by [1994 c. 39 s. 127\(1\)128](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 168(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(6\)\(b\)](#)
- s. 364(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(14\)\(b\)](#)
- s. 413(3) (defn. of "the appropriate local authority") para. (a)(b) amended by [1994 c. 39 Sch. 13 para. 97\(5\)](#)
- s. 413(3) (defns. of "care" and "the 1968 Act") repealed (prosp.) by [1995 c. 36 s. 105\(4\)\(5\)Sch. 4 para. 24\(17\)\(b\)\(i\)Sch. 5](#)
- s. 462 (defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement") amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(18\)](#)
- s. 462 (defns. of "crime" and "prosecutor") applied (prosp.) by [1995 c. 36 s. 53\(7\)](#)