



# Criminal Justice (Scotland) Act 1980

## 1980 CHAPTER 62

### PART III

#### PENALTIES

#### 44 Detention and release on licence of children convicted on indictment

For section 206 of the 1975 Act there shall be substituted the following section—

**“206 Detention and release on licence of children convicted on indictment.**

- (1) Subject to section 205 of this Act, where a child is convicted and the court is of the opinion that no other method of dealing with him is appropriate, it may sentence him to be detained for a period which it shall specify in the sentence; and the child shall during that period be liable to be detained in such place and on such conditions as the Secretary of State may direct.
- (2) Subject to subsection (3) below, the Secretary of State may release on licence, on such conditions as may for the time being be specified in the licence, a person detained under subsection (1) above.
- (3) Where a person has been sentenced under subsection (1) above to be detained for a period exceeding 18 months, the Secretary of State—
  - (a) shall not release him on licence under subsection (2) above except on the recommendation of the Parole Board for Scotland (in this section referred to as " the Board "); and
  - (b) shall consult the Board with regard to the inclusion or subsequent insertion of any condition in the licence or the variation or cancellation of any such condition ; but for the purposes of this paragraph the Secretary of State shall be treated as having consulted the Board about a proposal to include, insert, vary or cancel a condition in any case if he has consulted the Board about the implementation of proposals of that description generally or in that class of case.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A licence granted under subsection (2) above shall, unless previously revoked under subsection (5) below, remain in force until the expiry of the period of—
- (a) detention specified by the court under subsection (1) above; or
  - (b) 12 months from the date of release under the licence,
- whichever is the later.
- (5) The Secretary of State may—
- (a) on the recommendation of the Board; or
  - (b) at his own instance, where it appears to him to be in the public interest to do so before consultation with the Board is practicable,
- revoke a licence granted under subsection (2) above and recall the person released under the licence to a place in which the Secretary of State directs that he should be detained; and on such revocation, the person shall be liable to be detained in pursuance of his sentence, and, if at large, shall be deemed to be unlawfully at large.
- (6) The Secretary of State shall inform a person recalled under subsection (5) above of the reasons for his recall, so that the person may make representations in writing with respect to his recall to the Board; and the Board may, on receipt of such representations, require the Secretary of State to release him on licence forthwith.
- (7) Subject to subsection (6) above, a person detained in pursuance of subsection (5) above shall remain in detention until the expiry of the period of—
- (a) detention specified by the court under subsection (1) above; or
  - (b) 3 months from the date of the commencement of his detention in pursuance of the said subsection (5), whichever is the later:

Provided that the Secretary of State may, at any time before the expiry of the period referred to in paragraph (a) above, again release him on licence.”.