



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

[^{F1}Order for lifelong restriction etc.]

[^{F1}210F [^{F2}Order for lifelong restriction or compulsion order]

- (1) The High Court, at its own instance or on the motion of the prosecutor, if it is satisfied, having regard to—
 - (a) [^{F3}any] risk assessment report submitted under section 210C(4) or (5) of this Act;
 - (b) any report submitted by virtue of section 210D of this Act;
 - (c) any evidence given under section 210C(7) of this Act; and
 - (d) any other information before it,that, on a balance of probabilities, the risk criteria are met, shall [^{F4}, in a case where it may make a compulsion order in respect of the convicted person under section 57A of this Act, either make such an order or make an order for lifelong restriction in respect of that person and in any other case make an order for lifelong restriction in respect of that person.]
- (2) An order for lifelong restriction constitutes a sentence of imprisonment, or as the case may be detention, for an indeterminate period.
- (3) The prosecutor may, on the grounds that on a balance of probabilities the risk criteria are met, appeal against any refusal of the court to make an order for lifelong restriction.]

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 210F is up to date with all changes known to be in force on or before 19 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*

Textual Amendments

- F1** Ss. 210B-210H and cross-headings inserted (19.6.2006 for specified purposes) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 1, 89](#) (as amended with regards to ss. 210B, 210D and 210G (27.9.2005) by [S.S.I. 2005/465, art. 2, Sch. 1 para. 34\(2\)](#)); [S.S.I. 2006/332, art. 2](#)
- F2** S. 210F title substituted (20.6.2006 for specified purposes) by virtue of [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\) {ss. 14\(3\)}](#), 24; [S.S.I. 2006/331, art. 3\(1\)](#) (subject to art. 3(2))
- F3** Word in s. 210F(1)(a) substituted (20.6.2006 for specified purposes) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\), ss. 14\(2\)\(a\)](#), 24; [S.S.I. 2006/331, art. 3\(1\)](#) (subject to art. 3(2))
- F4** Words in s. 210F(1) substituted (20.6.2006 for specified purposes) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\), ss. 14\(2\)\(b\)](#), 24; [S.S.I. 2006/331, art. 3\(1\)](#) (subject to art. 3(2))
[Editorial Note: the word "shall" immediately preceding the substituted text is treated as not having been removed despite the wording of the amending section, by virtue of the decision of the Appeal Court, High Court of Justiciary, in the case of *Brian Johnstone v HM Advocate* 5 July 2011 [2011] HCJAC 66]

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 210F is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

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

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

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)