



Crime and Punishment (Scotland) Act 1997

1997 CHAPTER 48

PART I

SENTENCING

Increases in sentencing powers and penalties

13 Increase in sentences available to sheriff and district courts.

- (1) In section 3 of the 1995 Act (jurisdiction and powers of solemn courts)—
- (a) in subsection (3), for the words “three years” there shall be substituted the words “ five years ”;
 - (b) in subsection (4), for the words “three years” there shall be substituted “ five years ”;
 - (c) after subsection (4) there shall be inserted the following subsection—

“(4A) Subject to subsection (5) below, where under any enactment passed or made after 1st January 1988 but before the commencement of section 13 of the Crime and Punishment (Scotland) Act 1997 (increase in sentencing powers of sheriff courts) an offence is punishable on conviction on indictment for a term exceeding three years but the enactment either expressly or impliedly restricts the power of the sheriff to impose a sentence of imprisonment for a term exceeding three years, it shall be competent for the sheriff to impose a sentence of imprisonment for a term exceeding three but not exceeding five years.”; and
 - (d) in subsection (5), for the words “subsection (4)” there shall substituted the words “ subsections (4) and (4A) ”.

^{F1}(2)

Changes to legislation: There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Cross Heading: Increases in sentencing powers and penalties. (See end of Document for details)

- (3) In section 195(2) of the 1995 Act (remit to High Court for sentence where sheriff’s power limited by statute) for the words “three years”, in both places where they occur, there shall be substituted the words “ five years ”.
- (4) In paragraph 12 of Schedule 3 to the ^{M1}Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (construction of references to penal servitude and hard labour), in sub-paragraph (3), for the words “two years” there shall be substituted the words “ five years ”.

Textual Amendments

- F1** S. 13(2) repealed (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **Sch. 7 para. 67**; S.S.I. 2011/178, art. 2, Sch.

Commencement Information

- I1** S. 13(1)(3)(4) in force at 1.5.2004 by S.S.I. 2004/176, **art. 2** (with art. 3)

Marginal Citations

- M1** 1995 c.40.

14 Increase in maximum penalty for certain sexual offences.

- (1) In section 5 of the ^{M2}Criminal Law (Consolidation) (Scotland) Act 1995 (unlawful intercourse with girls under the age of 16 years)—
- (a) in subsection (2), for the words “two years” there shall be substituted the words “ ten years ”; and
 - (b) in subsection (3), for the words “two years” there shall be substituted the words “ ten years ”.
- (2) In section 6 of that Act (indecent behaviour towards a girl aged between 12 and 16 years), for the words “two years” there shall be substituted the words “ ten years ”.

Marginal Citations

- M2** 1995 c.39.

Changes to legislation:

There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Cross Heading: Increases in sentencing powers and penalties.