



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 7

SENTENCING AND RELEASE

CHAPTER 1

CUSTODIAL SENTENCES

Driving disqualification: extension in connection with custodial sentence

142 Extension of driving disqualification where custodial sentence imposed: Scotland

- (1) Section 35C of the Road Traffic Offenders Act 1988 (extension of driving disqualification period where custodial sentence also imposed) is amended in accordance with subsections (2) to (5).
- (2) In subsection (4)—
- (a) after paragraph (a) insert—
 - “(aa) in the case of a person serving a serious terrorism sentence, a period equal to the appropriate custodial term;
 - (ab) in the case of a person serving an extended sentence that falls within section 1AB(2A) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”), a period equal to the custodial term;
 - (ac) in the case of a person serving an extended sentence in respect of which section 1AB(3) to (5) of the 1993 Act applies to the person, a period equal to two-thirds of the custodial term;”;
 - (b) omit paragraph (b);

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- (c) in paragraph (c)—
 - (i) for “an” substitute “any other”;
 - (ii) for “confinement” substitute “custodial”;
 - (d) after paragraph (c) insert—
 - “(ca) in the case of a person serving a sentence imposed under section 205ZC of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”), a period equal to two-thirds of the appropriate custodial term;
 - (cb) in the case of a person serving any other sentence of imprisonment in respect of which section 1AB of the 1993 Act applies to the person, a period equal to two-thirds of the sentence;”.
- (3) In subsection (7), for the words from “a different” to the end substitute “a reference in section 1(1) or (3) or 1AB(3)(a) of the 1993 Act to a particular proportion of a prisoner’s sentence to be construed as a reference to some other proportion (“the new proportion”) specified in the order”.
- (4) In subsection (8), for “(4)(b) and (c)” substitute “(4)(ac), (c), (ca), (cb) or (d)”.
- (5) In subsection (10)—
- (a) in the definition of “amending order”, for “section 7 of the 2007 Act” substitute “section 27(2)(b) of the 1993 Act”;
 - (b) after that definition insert—
 - ““appropriate custodial term”—
 - (a) in relation to a serious terrorism sentence, means the term imposed under subsection (5)(a) or (as the case may be) (7)(a) of section 205ZA of the 1995 Act;
 - (b) in relation to a sentence imposed under section 205ZC of the 1995 Act, means the term imposed under subsection (3)(a) or (as the case may be) (4)(a) of that section;”;
 - (c) in the definition of “confinement term”—
 - (i) for “confinement” substitute “custodial”;
 - (ii) for “Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”)” substitute “1995 Act”;
 - (d) omit the definitions of “custody and community prisoner” and “custody part”;
 - (e) in the definition of “life prisoner”, for “section 4 of the 2007 Act” substitute “section 2(1) of the 1993 Act”;
 - (f) for the definition of “punishment part” substitute—
 - ““punishment part”, in relation to a life sentence, means the punishment part of the sentence as specified in an order mentioned in section 2(2) of the 1993 Act;”;
 - (g) in the definition of “sentence of imprisonment”, in paragraph (b), after “205,” insert “205ZA(7), 205ZC(4),”;
 - (h) after the definition of “sentence of imprisonment” insert—
 - ““serious terrorism sentence” means a sentence imposed under section 205ZA of the 1995 Act;”.
- (6) Section 248D of the Criminal Procedure (Scotland) Act 1995 (extension of driving disqualification period where custodial sentence also imposed) is amended in accordance with subsections (7) to (10).

- (7) In subsection (4)—
- (a) after paragraph (a) insert—
 - “(aa) in the case of a person serving a serious terrorism sentence, a period equal to the appropriate custodial term;
 - (ab) in the case of a person serving an extended sentence that falls within section 1AB(2A) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”), a period equal to the custodial term;
 - (ac) in the case of a person serving an extended sentence in respect of which section 1AB(3) to (5) of the 1993 Act applies to the person, a period equal to two-thirds of the custodial term;”;
 - (b) omit paragraph (b);
 - (c) in paragraph (c)—
 - (i) for “an” substitute “any other”;
 - (ii) for “confinement” substitute “custodial”;
 - (d) after paragraph (c) insert—
 - “(ca) in the case of a person serving a sentence imposed under section 205ZC of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”), a period equal to two-thirds of the appropriate custodial term;
 - (cb) in the case of a person serving any other sentence of imprisonment in respect of which section 1AB of the 1993 Act applies to the person, a period equal to two-thirds of the sentence;”.
- (8) In subsection (7), for the words from “a different” to the end substitute “a reference in section 1(1) or (3), 1AA(1) or 1AB(3)(a) of the 1993 Act to a particular proportion of a prisoner’s sentence to be construed as a reference to some other proportion (“the new proportion”) specified in the order”.
- (9) In subsection (8), for “(4)(b) and (c)” substitute “(4)(ac), (c), (ca), (cb) or (d)”.
- (10) In subsection (10)—
- (a) in the definition of “amending order”, for “section 7 of the 2007 Act” substitute “section 27(2)(b) of the 1993 Act”;
 - (b) after that definition insert—

““appropriate custodial term”—

 - (a) in relation to a serious terrorism sentence, means the term imposed under subsection (5)(a) or (as the case may be) (7)(a) of section 205ZA of the 1995 Act;
 - (b) in relation to a sentence imposed under section 205ZC of the 1995 Act, means the term imposed under subsection (3)(a) or (as the case may be) (4)(a) of that section;”;
 - (c) in the definition of “confinement term”—
 - (i) for “confinement” substitute “custodial”;
 - (ii) for “Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”)” substitute “1995 Act”;
 - (d) omit the definitions of “custody and community prisoner” and “custody part”;
 - (e) in the definition of “life prisoner”, for “section 4 of the 2007 Act” substitute “section 2(1) of the 1993 Act”;

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

- (f) for the definition of “punishment part” substitute—
““punishment part”, in relation to a life sentence, means the punishment part of the sentence as specified in an order mentioned in section 2(2) of the 1993 Act;”;
 - (g) in the definition of “sentence of imprisonment”, in paragraph (b), after “205,” insert “205ZA(7), 205ZC(4),”;
 - (h) after the definition of “sentence of imprisonment” insert—
““serious terrorism sentence” means a sentence imposed under section 205ZA of the 1995 Act;”.
- (11) In Schedule 22 to the Coroners and Justice Act 2009, omit paragraphs 35 and 36 (powers to make transitional provision in relation to section 35C of the Road Traffic Offenders Act 1988).