



# Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

## PART 2

### CONFINEMENT AND RELEASE OF PRISONERS

## CHAPTER 2

### CONFINEMENT, REVIEW AND RELEASE OF PRISONERS

#### *Referral to Parole Board: postponement*

PROSPECTIVE

#### **26 Referral to Parole Board: postponement**

- (1) Subsection (2) applies where—
- (a) a prisoner's case is referred to the Parole Board under this Part (the “referred case”),
  - (b) after the referral another sentence of imprisonment is imposed on the prisoner (the “new sentence”),
  - (c) when that sentence is imposed, the Board has not fixed a date for considering the prisoner's case, and
  - (d) the prisoner would not be eligible for release in relation to the new sentence on the date which would (apart from this section) have been fixed for considering the referred case.
- (2) The Parole Board must—
- (a) fix in accordance with subsection (5) a different date for considering the referred case, and

*Status: This version of this provision is prospective.*

**Changes to legislation:** *Custodial Sentences and Weapons (Scotland) Act 2007, Section 26 is up to date with all changes known to be in force on or before 04 May 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*

- (b) if a further new sentence is imposed on the prisoner in relation to which the prisoner would not be eligible for release on that different date, fix in accordance with that subsection a further different date.
- (3) Subsection (4) applies where—
- (a) the Parole Board fixes a date for considering the referred case,
  - (b) before that date, a new sentence is imposed on the prisoner, and
  - (c) the prisoner would not be eligible for release in relation to the new sentence on that date.
- (4) The Parole Board must—
- (a) fix in accordance with subsection (5) a different date for considering the referred case, and
  - (b) if a further new sentence is imposed on the prisoner in relation to which the prisoner would not be eligible for release on that different date, fix in accordance with that subsection a further different date.
- (5) A date is fixed in accordance with this subsection if—
- (a) it is a date which would have been fixed in relation to the new sentence if that were the only sentence imposed on the prisoner, and
  - (b) it replaces any date previously fixed for considering the referred case.

**Modifications etc. (not altering text)**

- C1** Pt. 2 power to modify conferred (24.9.2012) by [Criminal Cases \(Punishment and Review\) \(Scotland\) Act 2012 \(asp 7\)](#), **ss. 2(2), 5(2)**; S.S.I. 2012/249, art. 2

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

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**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. 29A inserted by [2010 asp 13 s. 18\(6\)](#)
- s. 42A inserted by [2010 asp 13 Sch. 3 para. 6](#)
- s. 45(1)(za)(zb) inserted by [2010 asp 13 Sch. 3 para. 7\(2\)](#)
- s. 46A inserted by [2010 asp 13 s. 18\(7\)](#)
- s. 47(3A) inserted by [2010 asp 13 s. 18\(8\)\(c\)](#)
- s. 47(8)(a)(b) substituted for words by [2010 asp 13 s. 18\(8\)\(e\)](#)
- s. 51(1A) inserted by [2010 asp 13 Sch. 3 para. 9\(3\)](#)
- Sch. 2 para. 1(4) added by [2010 asp 13 Sch. 3 para. 13\(3\)\(c\)](#)
- Sch. 2 para. 7(1A) inserted by [2010 asp 13 Sch. 3 para. 13\(8\)](#)
- Sch. 3 para. 2A inserted by [2010 asp 13 Sch. 3 para. 14\(3\)](#)
- Sch. 3 para. 3(3) inserted by [2010 asp 13 Sch. 3 para. 14\(4\)\(b\)](#)
- Sch. 3 para. 3A inserted by [2010 asp 13 Sch. 3 para. 14\(5\)](#)
- Sch. 3 para. 5(4A) inserted by [2010 asp 13 Sch. 3 para. 14\(6\)\(d\)](#)
- Sch. 3 para. 5(6) inserted by [2010 asp 13 Sch. 3 para. 14\(6\)\(e\)](#)