
Status: This version of this provision is prospective.

Changes to legislation: *Custodial Sentences and Weapons (Scotland) Act 2007, Section 36 is up to date with all changes known to be in force on or before 25 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*



Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

PART 2

CONFINEMENT AND RELEASE OF PRISONERS

CHAPTER 3

COMMUNITY AND LIFE LICENCES

Suspension

PROSPECTIVE

36 Suspension of licence conditions while detained

- (1) Subsection (2) applies where—
 - (a) the Scottish Ministers release a prisoner on licence by virtue of section 11(2), 13(2)(a), 19(1), 23(2)(a), 27(1) or 42(4)(a), and
 - (b) while the licence is in force the prisoner continues to be, or is, detained in prison by virtue of this Part, any other enactment or any rule of law.
- (2) Any condition in the licence other than a condition mentioned in subsection (3) is suspended for the relevant period.
- (3) Those conditions are any conditions (however expressed) requiring the prisoner—
 - (a) to be of good behaviour and to keep the peace,
 - (b) to refrain from contacting a person, or class of person, specified in the licence (or to refrain from doing so without the approval of a person specified in the licence).
- (4) The relevant period is—
 - (a) the period during which the prisoner remains detained in prison, and

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(b) the licence remains in force.

(5) The Scottish Ministers may by order amend subsection (3) by amending conditions or adding or removing conditions.

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

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Changes and effects yet to be applied to :

- s. 36(1)(a) word inserted by [2010 asp 13 Sch. 3 para. 3\(b\)](#)

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\(6\)\(e\)](#)