

**Status:** This version of this cross heading contains provisions that are prospective.  
**Changes to legislation:** There are currently no known outstanding effects for the Criminal  
Justice and Licensing (Scotland) Act 2010, Paragraph 13. (See end of Document for details)

PROSPECTIVE

### SCHEDULE 3 SHORT-TERM CUSTODY AND COMMUNITY SENTENCES: CONSEQUENTIAL AMENDMENTS

#### *Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)*

- 13 (1) Schedule 2 (prisoners serving more than one sentence) is amended as follows.
- (2) Before paragraph 1, in the italic heading, for “custody-only” substitute “ short-term custody and community ”.
- (3) In paragraph 1—
- (a) in sub-paragraph (1)(a), for “custody-only” substitute “ short-term custody and community ”,
  - (b) in sub-paragraph (3)—
    - (i) for “and 34(1)” substitute “ , 34(1) and 42A ”, and
    - (ii) for “custody-only” in both places where it occurs substitute “ short-term custody and community ”, and
  - (c) after sub-paragraph (3) add—

“(4) In section 47(3A)—

    - (a) references to the expiry of one-half of the prisoner's sentence are to be read as references to the expiry of one-half of the short-term custody and community sentence that expires after the expiry of one-half of the other short-term custody and community sentence (or sentences),
    - (b) in paragraph (a)(i), the reference to the expiry of the prisoner's sentence is to be read as a reference to the longer (or longest) of the sentences imposed on the prisoner.”.
- (4) Before paragraph 3, in the italic heading, for “custody-only” substitute “ short-term custody and community ”.
- (5) In paragraph 3—
- (a) in sub-paragraph (1)(a), for “custody-only” substitute “ short-term custody and community ”,
  - (b) in sub-paragraph (3), for “and 34(1)” substitute “ , 34(1), 42A and subsections (3A) and (8)(a) of section 47 ”,
  - (c) in sub-paragraph (4)—
    - (i) for “the custody-only” substitute “ one-half of the short-term custody and community ”, and
    - (ii) in paragraph (a), for “any other custody-only” substitute “ one-half of any other short-term custody and community ”, and
  - (d) in sub-paragraph (5)(b)(ii) and (6)(b), for “the custody-only” substitute “ at least one-half of the short-term custody and community ”.
- (6) In paragraph 5—

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- (a) in sub-paragraph (1), in both paragraphs (a) and (b), for “custody-only” substitute “ short-term custody and community ”,
  - (b) in sub-paragraph (3)—
    - (i) after “19” insert “ , 29A, 29B ”, and
    - (ii) after “(2)” insert “ , 42A ”, and
  - (c) in sub-paragraph (4)—
    - (i) for “the custody-only” substitute “ one-half of the short-term custody and community ”, and
    - (ii) in paragraph (a), for “any other custody-only” substitute “ one-half of any other short-term custody and community ”.
- (7) In paragraph 6, in sub-paragraph (1)(b), after “section” insert “ 5, ”.
- (8) In paragraph 7, after sub-paragraph (1) insert—
- “(1A) Where a short-term custody and community sentence imposed on a prisoner is an extended sentence, the modifications in paragraphs 1(3) and (4) and 3(4), (5)(b)(ii), (6) and (8A) are to be read subject to sub-paragraph (2).”.

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