

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

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

6 After section 42 insert—

“42A Determination that section 42(3) applicable: consequences for short-term custody and community prisoners

- (1) This section applies where the Parole Board determines, under subsection (2) of section 42, that subsection (3) of that section applies to a short-term custody and community prisoner.
- (2) The Parole Board must give the prisoner reasons in writing for its determination.
- (3) If on the day of the determination less than 4 months of the prisoner’s sentence remain to be served, the prisoner must be confined until the expiry of the prisoner’s sentence.
- (4) If on the day of the determination at least 4 months but no more than 2 years of the prisoner’s sentence remain to be served, the Parole Board may, subject to section 26, fix a date falling within the period mentioned in subsection (5) on which it will next consider the prisoner’s case.
- (5) That period is the period—
 - (a) beginning with the day falling 4 months after the day of the determination, and
 - (b) ending on the expiry of the prisoner’s sentence.
- (6) If no date is fixed under subsection (4) the prisoner must be confined until the expiry of the prisoner’s sentence.
- (7) If on the day of the determination at least 2 years of the prisoner’s sentence remain to be served, the Parole Board must, subject to section 26, fix a date falling within the period mentioned in subsection (8) on which it will next consider the prisoner’s case.
- (8) That period is the period—
 - (a) beginning with the day falling 4 months after the day of the determination, and
 - (b) ending immediately before the second anniversary of the day of the determination.
- (9) Where a date is fixed under subsection (4) or (7), the Scottish Ministers must refer the case to the Parole Board before that date.”