

SCHEDULE 1 BREACH OF LIBERATION CONDITION

Sentencing for the offence

- 2 (1) A person who commits an offence under paragraph 1(1) is liable on summary conviction to—
- (a) a fine not exceeding level 3 on the standard scale, or
 - (b) imprisonment for a period—
 - (i) where conviction is in the justice of the peace court, not exceeding 60 days,
 - (ii) where conviction is in the sheriff court, not exceeding 12 months.
- (2) A penalty under sub-paragraph (1) may be imposed in addition to any other penalty which it is competent for the court to impose, even if the total of penalties imposed exceeds the maximum penalty which it is competent to impose in respect of the original offence.
- (3) The reference in sub-paragraph (2) to a penalty being imposed in addition to another penalty means, in the case of sentences of imprisonment or detention—
- (a) where the sentences are imposed at the same time (whether or not in relation to the same complaint), framing the sentences so that they have effect consecutively,
 - (b) where the sentences are imposed at different times, framing the sentence imposed later so that (if the earlier sentence has not been served) the later sentence has effect consecutive to the earlier sentence.
- (4) Sub-paragraph (3)(b) is subject to section 204A (restriction on consecutive sentences for released prisoners) of the 1995 Act.
- (5) Where a person is to be sentenced in respect of an offence under paragraph 1(1), the court may remit the person for sentence in respect of it to any court which is considering the original offence.
- (6) In sub-paragraphs (2) and (5), “the original offence” is the offence in connection with which—
- (a) the investigative liberation condition was imposed, or
 - (b) the undertaking was given.