

## SCHEDULES

### SCHEDULE 1

Section 14.

#### SUPERVISION OF CERTAIN DISCHARGED PRISONERS

#### PART I

##### SUPERVISION WITHIN SCOTLAND

###### *General Provisions*

- 1 Subject to the provisions of this Schedule, every person to whom section 14 of this Act applies shall, after his release from prison and until the expiration of the period of twelve months from the date of his release, be under supervision, and shall, while under that supervision, be required—
- (a) to keep in touch with his supervising officer in accordance with such instructions as may from time to time be given by that officer; and
  - (b) to comply with the directions of his supervising officer as to conduct; and
  - (c) to comply with such other requirements as may be specified in the notice of supervision given to him under this Schedule.
- 2 Before the release of any such person from prison, the Secretary of State shall cause to be given to him a notice (in this Schedule referred to as a notice of supervision) giving the name and address of the person who is to be his supervising officer in the first instance, and specifying the requirements with which he has to comply while under supervision; and a notice given to any person under this paragraph shall contain a statement that it is given to him as falling within a specified class of the persons to whom section 14 of this Act for the time being applies.
- 3 At any time during the period referred to in paragraph 1 of this Schedule the Secretary of State may, by notice in writing given to a person under supervision as aforesaid.—
- (a) discharge him from supervision, or
  - (b) replace as from a specified date his supervising officer by another supervising officer whose name and address shall be specified in that notice, or
  - (c) cancel or modify any other of the requirements specified in his notice of supervision.

###### *Return to prison in case of breach of supervision*

- 4 (1) If, on sworn information laid by or on behalf of the Secretary of State, it appears to the sheriff that a person, being under supervision under this Schedule, has failed to comply with any of the requirements imposed on him by his notice of supervision, the sheriff may issue a warrant for the arrest of that person or may, if he thinks fit,

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instead of issuing such a warrant in the first instance, issue a citation requiring 'the person to appear before him at such time as may be specified in the citation.

- (2) If it is proved to the satisfaction of the sheriff before whom a person appears or is brought in pursuance of the last foregoing sub-paragraph that the person has failed to comply with any of the requirements of the notice of supervision, the sheriff shall, unless having regard to all the circumstances of the case he considers it unnecessary or inexpedient to do so, order that he be sent back to prison for such term as may be specified in that order, not exceeding whichever is the shorter of the following, that is to say—
- (a) a period of three months;
  - (b) a period equal to so much of the period of twelve months referred to in paragraph 1 of this Schedule as was unexpired on the date on which proceedings were commenced.
- (3) Subject to the following provisions of this Schedule, the Summary Jurisdiction (Scotland) Act 1954 shall apply in relation to proceedings for an order as aforesaid as it applies in relation to proceedings in respect of a summary offence, and references in that Act to an offence, trial, conviction or sentence shall be construed accordingly.
- 5 Proceedings for an order under the last foregoing paragraph may be brought before a sheriff having jurisdiction in the area in which the supervising officer carries out his duties.
- 6 A warrant issued for the purposes of proceedings for an order under paragraph 4 above may, if the person laying the information so requests, bear an endorsement requiring any constable charged with its execution to communicate with the Secretary of State before arresting the person under supervision if the constable finds that that person is earning an honest livelihood or that there are other circumstances which ought to be brought to the notice of the Secretary of State.
- 7 Where a person while under supervision under this Schedule is convicted, whether on indictment or summarily, of an offence for which the court has power to pass sentence of imprisonment, the court may, instead of dealing with him in any other manner, make such an order as could be made by a sheriff under paragraph 4 of this Schedule in proceedings for such an order.
- 8 The Secretary of State may at any time release from prison a person who has been sent back to prison under paragraph 4 or paragraph 7 of this Schedule ; and the provisions of this Schedule shall apply to a person released by virtue of this paragraph, subject to the following modifications :—
- (a) that the period of twelve months referred to in paragraph 1 shall be calculated from the date of his original release; and
  - (b) in relation to any further order for sending him back to prison under this Schedule, the period referred to at paragraph 4(2)(a) shall be reduced by any time during which he has been detained by virtue of the previous order.

#### *Supplementary*

- 9 In any proceedings, a certificate purporting to be signed by or on behalf of the Secretary of State and certifying—
- (a) that a notice of supervision was given to any person in the terms specified in the certificate and on the date so specified; and

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(b) either that no notice has been given to him under paragraph 3 of this Schedule or that a notice has been so given in the terms specified in the certificate,

shall be sufficient evidence of the matters so certified ; and the fact that a notice of supervision was given to any person shall be sufficient evidence that he was a person to whom section 14 of this Act applies.

- 10 For the purposes of Part III of the Criminal Justice Act 1961, a person who has been sent back to prison under paragraph 4 or paragraph 7 of this Schedule, and has not been released again, shall be deemed to be serving part of his original sentence, whether or not the term of that sentence has in fact expired.

## PART II

APPLICATION TO ENGLAND AND WALES, NORTHERN  
IRELAND, CHANNEL ISLANDS AND THE ISLE OF MAN

### *England and Wales and Northern Ireland*

- 11 In relation to proceedings in England and Wales or in Northern Ireland, paragraphs 4 to 7 shall not apply, but paragraphs 5 to 10 of Schedule 3 to the Criminal Justice Act 1961 shall apply as they apply in relation to proceedings in England and Wales and Northern Ireland respectively in respect of a person under supervision under that Schedule, subject to the modification that in paragraph 5 of the said Schedule 3 for sub-paragraphs (a) and (b) there shall be substituted sub-paragraphs (a) and (b) of paragraph 4(2) of this Schedule.
- 12 Where an order is made by any court in England and Wales or Northern Ireland under the enactments applied by the last foregoing paragraph sending back to prison a person under supervision, the court shall commit him to a prison in England and Wales or in Northern Ireland, as the case may be ; but the responsible Minister within the meaning of section 26 of the Criminal Justice Act 1961 may, without application in that behalf, make at any time an order under that section transferring him to a prison in Scotland.
- 13 In relation to a person detained by virtue of such an order as aforesaid in a prison in Northern Ireland, paragraph 8 (and, if that person is released from such a prison under that paragraph, paragraph 2) of this Schedule shall have effect as if for references to the Secretary of State there were substituted references to the Ministry of Home Affairs for Northern Ireland.

### *Channel Islands and Isle of Man*

- 14 Her Majesty may, by Order in Council, make such provision as appears to Her to be proper for the purposes of or in connection with the application of Part I of this Schedule to any of the Channel Islands or to the Isle of Man.

### *General*

- 15 The enactments authorising warrants of arrest for criminal offences issued in any country to which this Schedule extends to be executed in any other such country shall apply to any warrant issued for the purposes of proceedings under Part I of this Schedule as they apply to such warrants as aforesaid.