



# Criminal Justice (Scotland) Act 1949

## 1949 CHAPTER 94

### PART I

#### POWERS AND PROCEEDINGS OF COURTS

*Abolition of certain obsolete sanctions, penal servitude, and hard labour*

#### **14 Sentence for high treason**

The Treason Act, 1790, and the Treason Act, 1814, in so far as they enact that the sentence to be pronounced on conviction of high treason shall include the drawing of the person convicted on a hurdle to the place of execution, and, after execution, the severing of the head from the body, and the dividing of the body into four quarters, are hereby repealed.

#### **15 Abolition of escheat, etc.**

- (1) No sentence or conviction for any crime shall involve any attainder or corruption of blood or any escheat.
- (2) No person shall be sentenced by a court to outlawry or fugitation.

#### **16 Abolition of penal servitude and hard labour**

- (1) No person shall be sentenced by a court to penal servitude; and every enactment conferring power on a court to pass a sentence of penal servitude in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before the commencement of this Act:

Provided that nothing in this subsection shall be construed as empowering a court, other than the High Court, to pass a sentence of imprisonment for a term exceeding two years.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (2) No person shall be sentenced by a court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Act; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect.