

**Changes to legislation:** There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, Cross Heading: Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9). (See end of Document for details)

## SCHEDULES

### SCHEDULE 4

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Extent Information

- E1** This Act extends to S. but any amendment contained in Sch. 4 of any enactment which extends to E.W. or N.I. also so extends, see s. 7(5)

##### *Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)*

- 86 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall be amended as follows.
- (2) Subject to any specific amendment under this paragraph, for the words “1975 Act” where they occur there shall be substituted the words “1995 Act”.
- (3) In subsection (1) of section 5 (fine defaulters) for paragraph (a) there shall be substituted the following paragraph—
- “(a) under section 219 of the 1995 Act (imprisonment for non-payment of fine) or, by virtue of that section, under section 207 of that Act (detention of young offenders);”.
- (4) Section 6 (application of Part to young offenders etc) shall be amended as follows—
- (a) in paragraph (a) for the words “section 207(2) or 415(2)” there shall be substituted the words “section 207(2)”;
- (b) for the words “section 205” there shall be substituted the words “section 205(1) to (3)”;
- (c) for the words “section 206” where they occur there shall be substituted the words “section 208”; and
- (d) for the words “section 207(2)” there shall be substituted the words “section 207(2)”.
- (5) In section 7 (children detained in solemn proceedings) for the words “section 206” where they occur there shall be substituted the words “section 208”.
- (6) In section 11 (duration of licence)—
- (a) in subsection (3), for the words “section 212A” there shall be substituted the words “section 209”; and
- (b) in paragraph (b) of that subsection, for the words from “the” in the second place where it occurs to the end there shall be substituted—
- “there has elapsed—
- (i) a period (reckoned from the date on which he was ordered to be returned to prison under or by virtue of subsection (2) (a) of that section) equal in length to the period between

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the date on which the new offence was committed and the date on which he would (but for his release) have served the original sentence in full; or

- (ii) subject to subsection (4) below, a total period equal in length to the period for which he was so ordered to be returned to prison together with, so far as not concurrent with that period, any term of imprisonment to which he was sentenced in respect of the new offence,

whichever results in the later date.

- (4) In subsection (3)(b) above, “the original sentence” and “the new offence” have the same meanings as in section 16 of this Act.”

- (7) Section 14 (supervised release of short term prisoners) shall be amended as follows—

- (a) in subsection (2)—

- (i) for the words “section 212A(1)” there shall be substituted the words “ section 209(1) ”; and

- (ii) for the words “section 212A(2) to (6)” there shall be substituted the words “ section 209(3) to (7) ”;

- (b) in subsection (3) for the words “section 212A(2)” there shall be substituted the words “ section 209(3) ”; and

- (c) in subsection (5) for the words “section 212A(5)(b)” there shall be substituted the words “ section 209(6)(b) ”.

- (8) In subsection (4) of section 15 (variation of supervised release order) for the words “section 212A(2)(b)” there shall be substituted the words “ section 209(3)(b) ”.

- (9) In section 16 (commission of offence by released prisoner)—

- (a) in subsection (6), for the words “section 254(3) or 453C(1)” there shall be substituted the words “ section 118(4) or 189(1) and (2) ”; and

- (b) for subsection (7) there shall be substituted the following subsection—

“(7) Where an order under subsection (2) or (4) above is made in respect of a person released on licence—

- (a) the making of the order shall have the effect of revoking the licence; and

- (b) if the sentence comprising—

- (i) the period for which the person is ordered to be returned to prison; and

- (ii) so far as not concurrent with that period, any term of imprisonment to which he is sentenced in respect of the new offence,

is six months or more but less than four years, section 1(1) of this Act shall apply in respect of that sentence as if for the word “unconditionally” there were substituted the words “on licence”.

- (10) In subsection (1) of section 27 (interpretation of Part I), for the words “section 212A” where they occur there shall be substituted the words “ section 209 ”.

- (11) In section 46 (interpretation) the definition of “the 1975 Act” shall cease to have effect and at the end there shall be inserted the following definition—

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““the 1995 Act” means the Criminal Procedure (Scotland) Act 1995”.

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