



# Crime and Punishment (Scotland) Act 1997

## CHAPTER 48

### CRIME AND PUNISHMENT (SCOTLAND) ACT 1997

#### PART I

#### SENTENCING

##### *Automatic sentences*

- 1 Imprisonment for life on further conviction for certain offences.
- 2 Minimum sentence for third conviction of certain offences relating to drug trafficking.
- 3 Meaning of “conviction”.
- 4 Imposition of supervised release orders on conviction of qualifying offence.

##### *Restriction of liberty orders*

- 5 Restriction of liberty orders.

##### *Mentally disordered offenders*

- 6 Disposal in cases of mentally disordered offenders.
- 7 Effect of hospital direction.
- 8 Remand of persons suffering from mental disorder to private hospital.
- 9 Power to specify hospital unit.
- 10 Medical evidence in relation to mentally disordered offenders.
- 11 Increase in maximum period of interim hospital orders.
- 12 Sentence calculation where remand spent in hospital.

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*Increases in sentencing powers and penalties*

- 13 Increase in sentences available to sheriff and district courts.
- 14 Increase in maximum penalty for certain sexual offences.

*Powers of court to disqualify from driving*

- 15 Driving disqualifications.

*Miscellaneous*

- 16 Designated life prisoners.

**PART II**

CRIMINAL PROCEDURE

*Appeals*

- 17 Right of appeal.
- 18 Automatic sentences: jurisdiction and appeals.
- 19 Appeal against automatic sentence where earlier conviction quashed.
- 20 Transfer of rights of appeal of deceased person.
- 21 Increased rights of appeal of prosecutor.
- 22 Appeal by prosecutor against hospital orders etc.
- 23 Appeals against orders under section 49 of the 1995 Act.
- 24 Suspension of certain sentences pending determination of appeal.

*The Scottish Criminal Cases Review Commission*

- 25 Scottish Criminal Cases Review Commission.

*Evidential provisions*

- 26 Evidence concerning certain orders.
- 27 Proof of age.
- 28 Evidence from certain official documents.
- 29 Evidence of vulnerable persons: special provisions.
- 30 Routine evidence.
- 31 Previous convictions in solemn proceedings.
- 32 Supervision and care of persons diverted from prosecution or subject to supervision requirement.

**PART III**

PRISONERS

**CHAPTER I**

EARLY RELEASE

**CHAPTER II**

TREATMENT OF PRISONERS

- 42 Testing of prisoners for alcohol.

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- 43 Medical services in prisons.
- 44 Unlawful disclosure of information.

#### **PART IV**

##### POLICE

###### *Police funding and organisation*

- 45 Police grant.
- 46 Common police services.

###### *Collection and use of records*

- 47 Record of evidence taken from external parts of body.
- 48 Samples etc. from persons convicted of sexual and violent offences.

#### **PART V**

##### CRIMINAL LEGAL ASSISTANCE

- 49 Criminal legal assistance.

###### *Employment of solicitors*

- 50 Employment of solicitors in relation to criminal legal assistance.

###### *Fixed payments for criminal legal assistance*

- 51 Fixed payments.
- 52 Contracts for the provision of criminal legal assistance.

###### *Powers of investigation*

- 53 Power of investigation of Scottish Legal Aid Board.
- 54 Regulations in relation to criminal legal assistance.

#### **PART VI**

##### MISCELLANEOUS AND GENERAL

###### *Miscellaneous*

- 55 Liberation of child by police.
- 56 Powers of the court on remand or committal of children and young persons.
- 57 Precognitions.
- 58 Information concerning jurors.
- 59 Certification of previous convictions in criminal proceedings.
- 60 Grants for forensic medical services.
- 61 Confiscation of alcohol from persons under 18.

###### *General*

- 62 Minor and consequential amendments, and repeals.
- 63 Financial provisions.
- 64 Interpretation.
- 65 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — Minor and Consequential Amendments

#### *The Public Records Act 1958 (c.51)*

- 1 In the First Schedule to the Public Records Act 1958...

#### *The Police (Scotland) Act 1967 (c.77)*

- 2 (1) The Police (Scotland) Act 1967 shall be amended in...

#### *The Firearms Act 1968 (c.27)*

- 3 In section 51 of the Firearms Act 1968 (penalties for...

#### *The Superannuation Act 1972 (c.11)*

- 4 In Schedule 1 to the Superannuation Act 1972 (kinds of...

#### *The House of Commons Disqualification Act 1975 (c.24)*

- 5 In the House of Commons Disqualification Act 1975, in Part...

#### *The Sexual Offences (Scotland) Act 1976 (c.67)*

- 6 (1) The Sexual Offences (Scotland) Act 1976 shall cease to...

#### *The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55)*

- 7 In Part I of Schedule 1 to the Law Reform...

#### *The Criminal Justice (Scotland) Act 1980 (c.62)*

- 8 In section 3D(1)(b) of the Criminal Justice (Scotland) Act 1980...

#### *The Mental Health (Scotland) Act 1984 (c.36.)*

- 9 (1) The Mental Health (Scotland) Act 1984 shall be amended...

#### *The Repatriation of Prisoners Act 1984 (c.47)*

- 10 (1) The Repatriation of Prisoners Act 1984 shall be amended...

#### *The Foster Children (Scotland) Act 1984 (c.56)*

- 11 In section 13 of the Foster Children (Scotland) Act, for...

#### *The Legal Aid (Scotland) Act 1986 (c.47)*

- 12 (1) The Legal Aid (Scotland) Act 1986 shall be amended...

#### *The Prisons (Scotland) Act 1989 (c.45)*

- 13 (1) The Prisons (Scotland) Act 1989 shall be amended in...

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

- 14 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall...

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*The Criminal Justice and Public Order Act 1994 (c.33)*

15 In section 110 of the Criminal Justice and Public Order...

*The Criminal Justice (Scotland) Act 1995 (c.20)*

16 Section 66 of the Criminal Justice (Scotland) Act 1995 shall...

*The Children (Scotland) Act 1995 (c.36)*

17 In Schedule 4 to the Children (Scotland) Act 1995, paragraph...

*The Criminal Law (Consolidation)(Scotland) Act 1995 (c.39)*

18 (1) The Criminal Law (Consolidation) (Scotland) Act 1995 shall be...

*The Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c.40)*

19 (1) The Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 shall be...

*The Proceeds of Crime (Scotland) Act 1995 (c.43)*

20 In section 42(1) of the Proceeds of Crime (Scotland) Act...

*The Criminal Procedure (Scotland) Act 1995 (c.46.)*

21 (1) The 1995 Act shall be amended as follows.

SCHEDULE 2 —

SCHEDULE 3 — Repeals

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**Changes and effects yet to be applied to :**

- s. 61 power to amend conferred by [2016 asp 1 s. 70](#)
- Sch. 1 para. 21(29) words substituted by [2003 asp 7 sch. 4 para. 4](#)