



Crime and Punishment (Scotland) Act 1997

1997 CHAPTER 48

PART I

SENTENCING

Miscellaneous

16 Designated life prisoners

(1) In section 2 of the 1993 Act (duty to release discretionary life prisoners)—

(a) for subsection (1) there shall be substituted the following subsection—

“(1) In this Part of this Act “designated life prisoner”, subject to subsection (9)(a) below and except where the context otherwise requires, means a person—

- (a) sentenced to life imprisonment for an offence for which, subject to paragraph (b) below, such a sentence is not the sentence fixed by law;
- (b) whose sentence was imposed under section 205A(2) of the 1995 Act (imprisonment for life on further conviction for certain offences); or
- (c) whose sentence was imposed in respect of a murder committed by him before he attained the age of 18 years,

and in respect of whom the court which sentenced him for that offence made the order mentioned in subsection (2) below.”; and

(b) in subsection (2)—

- (i) the word “and” shall cease to have effect; and
- (ii) after paragraph (b), there shall be inserted the words—

“; and

Status: This is the original version (as it was originally enacted).

- (c) where appropriate, the matters mentioned in paragraphs (a) and (b) of section 196(1) of the 1995 Act.”.
- (2) This subsection applies where, in the case of a person sentenced, prior to the coming into force of this section, in respect of a murder committed by him before he attained the age of 18 years, the Lord Justice General, whom failing the Lord Justice Clerk, after consultation with the trial judge, if available, certifies his opinion that, if section 2 of the 1993 Act, as amended by this Act, had been in force at the time when the prisoner was sentenced, the court by which he was sentenced would have ordered that that section should apply to him as soon as he had served a part of his sentence specified in the certificate.
- (3) In a case to which subsection (2) above applies, Part I of the 1993 Act, except sections 1(4) and 2(9), shall apply as if—
 - (a) the life prisoner concerned were a designated life prisoner within the meaning of section 2 of that Act; and
 - (b) the designated part of his sentence within the meaning of that section were the part specified in the certificate.
- (4) Where a person is serving two or more sentences of imprisonment for life or detention without limit of time or for life—
 - (a) he shall be treated as a designated life prisoner within the meaning of section 2 of the 1993 Act only if the requirements of subsection (2) above are satisfied in respect of each of those sentences; and
 - (b) notwithstanding the terms of any certificate under that subsection, subsections (4) and (6) of that section shall not apply to him until he has served the designated part of each of those sentences.