

Changes to legislation: There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Paragraph 14. (See end of Document for details)

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

E1 [Sch. 1](#): amendments/repeals are coextensive with the enactments they affect see [s. 65\(7\)](#).

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

Commencement Information

II [Sch. 1 para. 14](#) partly in force; [Sch. 1 para. 14](#) not in force at Royal Assent see [s. 65\(2\)](#); [Sch. 1 para. 14\(1\)\(2\)\(b\)\(3\)\(a\)-\(d\)\(8\)\(10\)\(b\)\(11\)\(a\)\(18\)](#) in force at 20.10.1997 by [S.I. 1997/2323](#), art. 3, [Sch. 1](#)

14 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall be amended in accordance with this paragraph.

(2) In section 1 (release of prisoners)—

^{F1}(a)

(b) in subsection (4), for the word “discretionary” there shall be substituted the word “designated”.

(3) In section 2 (duty to release discretionary life prisoners)—

(a) in subsection (2)—

(i) for the words “subsection (1)(b)” there shall be substituted the words “subsection (1)”; and

(ii) before the word “life”, in both places where it occurs, there shall be inserted the word “designated”;

(b) in subsection (3), for the words “subsection (1)(a)” there shall be substituted the word “subsection (1)”;

(c) for the word “relevant”, where it occurs in subsections (2), (8) and (9), there shall be substituted the word “designated”;

(d) for the word “discretionary” where it occurs in subsections (4), (6), (8) and (9) there shall be substituted the word “designated”; and

^{F1}(e)

^{F1}(4)

^{F1}(5)

^{F1}(6)

^{F1}(7)

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- (8) In section 10 (life prisoners transferred to Scotland)—
- (a) for subsection (1) there shall be substituted the following subsection—
- “(1) In a case where a transferred life prisoner transferred from England and Wales (whether before or after the commencement of this enactment) is a life prisoner to whom section 28 of the ^{M1}Crime (Sentences) Act 1997 (duty to release certain life prisoners) applies, this Part of this Act except sections 1(4) and 2(9) shall apply as if—
- (a) the prisoner were a designated life prisoner within the meaning of section 2 of this Act; and
- (b) the designated part of his sentence within the meaning of that section were the relevant part specified in an order or direction made under the said section 28.”;
- (b) in subsection (3)(a), for the word “discretionary” there shall be substituted the word “designated”;
- (c) in subsection (3)(b), for the word “relevant” there shall be substituted the word “designated”;
- (d) in subsection (5)(a), for the word “discretionary” there shall be substituted the word “designated”; and
- (e) in subsection (5)(b), for the words “section 34 of the said Act of 1991” there shall be substituted the words “the said section 28 of the ^{M2}Crime (Sentences) Act 1997”.
- ^{F1}(9)
- (10) In section 12(3) (insertion, variation and cancellation of conditions in licences)—
- ^{F1}(a)
- (b) for the word “discretionary” there shall be substituted the word “designated”.
- (11) In section 14 (supervised release orders)—
- (a) in subsection (2)—
- (i) the words from the beginning to “209(1) of the 1995 Act” shall cease to have effect; and
- (ii) after the words “prison in Scotland” there shall be inserted the words “under Schedule 1 to the ^{M3}Crime (Sentences) Act 1997 in an unrestricted transfer within the meaning of that Schedule”; and
- ^{F1}(b)
- ^{F1}(12)
- ^{F1}(13)
- ^{F1}(14)
- ^{F1}(15)
- [^{F2}(16) In section 27(1) (interpretation), in the definition of “supervised release order” the words “(as inserted by section 14 of this Act)” shall cease to have effect.]
- (17)

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(18) In Schedule 6 (transitional provisions and savings)—

- (a) for the word “relevant” in each place where it occurs in paragraph 6(2) and (3) and 6A(2), there shall be substituted the word “designated”; and
- (b) for the word “discretionary” in each place where it occurs in paragraphs 6, 6A(2) and 7, there shall be substituted the word “designated”.

Textual Amendments

- F1** Sch. 1 para. 14(2)(a)(3)(e)(4)-(7)(9)(10)(a)(11)(b)(12)(13)-(15)(17) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 141(1)(b), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(y)(aa)(2)(pp)(3)(y)**
- F2** Sch. 1 para. 14(16) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 141(2)**; S.I. 1998/2327, **art. 2(1)(y)(2)(pp)**
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Marginal Citations

- M1** 1997 c.43.
M2 1997 c. 43.
M3 1997 c.43.

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