



Crime and Punishment (Scotland) Act 1997

1997 CHAPTER 48

PART III

PRISONERS

CHAPTER I

EARLY RELEASE

Application of early release provisions in certain cases

40 Persons liable to removal from the United Kingdom

- (1) Subject to the provisions of this section, sections 34, 35 and 37 of this Act apply to persons liable to removal from the United Kingdom.
- (2) In calculating any period following the release of such a person for the purposes of any of those sections, no account shall be taken of any period during which that person was furth of the United Kingdom.
- (3) For the purposes of this section a person is liable to removal from the United Kingdom if he—
 - (a) is liable to deportation under section 3(5) of the Immigration Act 1971 and has been notified of a decision to make a deportation order against him;
 - (b) is liable to deportation under section 3(6) of that Act;
 - (c) has been notified of a decision to refuse him leave to enter the United Kingdom; or
 - (d) is an illegal immigrant within the meaning of section 33(1) of that Act.