

*These notes relate to the Convention Rights (Compliance) (Scotland)
Act 2001 (asp 7) which received Royal Assent on 5 July 2001*

CONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Part 1

Prisoners and Parole

Amendment of the Criminal Procedure (Scotland) Act 1995

26. [Section 2\(1\)\(b\)](#) repeals subsections (4) to (6) of section 205 of the 1995 Act. Subsection (4) of the 1995 Act empowered the sentencing judge, on sentencing any person convicted of murder, to make a recommendation as to the minimum period that the prisoner should serve in custody before the Scottish Ministers release that prisoner on licence. Subsection (5) required the judge to give reasons for his recommendation. Subsection (6) provided that the recommendation should form part of the prisoner's sentence and, as such, was appealable. By virtue of the amendments to section 2 of the 1993 Act outlined above these provisions are redundant because all life prisoners will have a punishment part set by the court.
27. [Section 2\(2\)](#) inserts a new section 205D which provides that where a person is convicted of more than one crime libelled on the same indictment for which the court would be required to, or would have decided to, impose life sentences, the court shall impose only a single life sentence. The punishment part will therefore reflect the appropriate period of punishment and deterrence taking into account all crimes for which a life sentence is imposed and any other crime of which the offender is convicted on the same indictment.