



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 4

PRISONERS ETC.

Special provision as regards certain life prisoners

39 Convention rights of certain life prisoners

In the schedule to the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7)—

(a) in Part 1 (existing life prisoners), after paragraph 7 there is inserted—

“7A

In the case of a prisoner to whom paragraph 6 above applies, Part 1 of the 1993 Act as amended by this Act shall apply as if the part of the prisoner’s sentence specified in the certificate mentioned in paragraph 1(b) above were a punishment part specified under section 2(2) of the 1993 Act as amended by this Act.”; and

(b) in Part 4 (transferred life prisoners)—

(i) after paragraph 49 there is inserted—

“49A

This Part of this schedule also applies to—

(a) any life prisoner who was transferred—

(i) on or after the coming into force of section 10 of the 1993 Act; and

(ii) before the relevant date,

and to whom, by virtue of the Crime and Punishment (Scotland) Act 1997 (c. 48), subsections (2) and (3) of that section applied subsequent to the prisoner’s transfer; and

(b) any other life prisoner who was—

(i) transferred to Scotland before the coming into effect of section 10 of the 1993 Act; and

Changes to legislation: Criminal Justice (Scotland) Act 2003, Cross Heading: Special provision as regards certain life prisoners is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (ii) as at the relevant date, a life prisoner such as is mentioned in any of sub-paragraphs (a) to (c) of paragraph 49 above (the references in those sub-paragraphs to that section being construed as references to that section as it had effect on that date).”;
- (ii) in paragraph 50, after the word “49” there is inserted “ or 49A ”;
- (iii) in paragraph 53, after the word “applies” there is inserted “ , to whom sub-paragraph (a) of paragraph 49A above applies (whether or not paragraph 49(b) above also applies to the prisoner) or to whom sub-paragraph (b) of paragraph 49A above applies (in so far as that sub-paragraph relates to paragraph 49(c) above) ”;
- (iv) in paragraph 54, for the words from “to” in the first place where it occurs to “applies” there is substituted “ such as is mentioned in paragraph 52 or 53 above ”; and
- (v) for paragraph 67 there is substituted—

“67

In the case of a prisoner to whom paragraph 53 above applies, Part 1 of the 1993 Act (except subsection (9) of section 2) as amended by this Act shall apply as if—

- (a) the prisoner were a life prisoner within the meaning of subsection (1) of that section; and
- (b) the part of the prisoner’s sentence specified in the certificate referred to in sub-paragraph (c) of paragraph 57 above were a punishment part specified under subsection (2) of that section.”.

Changes to legislation:

Criminal Justice (Scotland) Act 2003, Cross Heading: Special provision as regards certain life prisoners is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2003/439 art. 23Sch.](#) (Effect not applied to [legislation.gov.uk](#). This S.S.I. is revoked (1.10.2003) by S.S.I. 2003/475, art. 4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16D inserted by [2023 asp 4 s. 14\(3\)](#)
- s. 16ZA inserted by [2023 asp 4 s. 14\(2\)](#)
- s. 17E(6) inserted by [2023 asp 4 s. 14\(7\)\(d\)](#)
- s. 17DA inserted by [2023 asp 4 s. 14\(6\)](#)
- s. 17ZA inserted by [2023 asp 4 s. 14\(4\)](#)
- s. 18A(5) inserted by [2023 asp 4 s. 14\(8\)\(b\)](#)