

*These notes relate to the Criminal Procedure (Amendment) (Scotland)
Act 2004 (asp 5) which received Royal Assent on 4th June 2004*

CRIMINAL PROCEDURE (AMENDMENT) (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 - Miscellaneous and General

Section 21 - Increase in extended sentence which may be passed by sheriff court in certain cases

164. **Section 21** of the Act amends section 210A(6) of the 1995 Act to increase the maximum extended sentence a sheriff may pass on certain sexual and violent offenders from three years to five years.
165. This relates to the to the bringing into force of section 13(1) of the Crime and Punishment (Scotland) Act 1997, on 1 May 2004 which had the effect of increasing the custodial sentencing power of a sheriff sitting with a jury from three years to five years. At present section 210A(6) provides that a sheriff may not pass an extended sentence which exceeds the aggregate of the maximum custodial term he may set and an extension period not exceeding 3 years. This amendment simply brings the extended term which may be set in line with the increase in the maximum custodial term which may be imposed by the sheriffs.