



Management of Offenders etc. (Scotland) Act 2005

2005 asp 14

Miscellaneous

21 Further amendments and repeal

(1) In section 27 of the Social Work (Scotland) Act 1968 (c. 49) (supervision and care of persons put on probation or released from prisons etc.)—

(a) in subsection (1)—

(i) at the beginning insert “Subject to any order or determination under section 8 of the Management of Offenders etc. (Scotland) Act 2005 (asp 14),”; and

(ii) after paragraph (ad) insert—

“(ae) making available to the Scottish Ministers such background and other reports as the Scottish Ministers may request in relation to the exercise of their functions under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9),”;

(b) after subsection (1B) insert—

“(1C) In paragraphs (ac) and (b)(i) and (ii) of subsection (1) above, “enactment” includes an Act of the Scottish Parliament.

(1D) The Scottish Ministers may by order amend subsection (1) above so as (any or all)—

(a) to add to the functions for the time being described;

(b) to omit any of those functions;

(c) to alter any of those functions.”; and

(c) in subsection (2), for the words “the foregoing subsection” substitute “subsection (1) above”.

(2) In section 27A of that Act (grants in respect of community service facilities)—

(a) for subsection (1) substitute—

“(1) The Scottish Ministers may (any or all)—

Status: This is the original version (as it was originally enacted).

- (a) pay to a community justice authority, for allocation under section 3(5)(e)(i) of the Management of Offenders etc. (Scotland) Act 2005 (asp 14) as grants to the local authorities within its area;
- (b) make a grant to a local authority of;
- (c) make a grant to a community justice authority, in respect of any function exercisable by that authority by virtue of section 8(2) or (3) of that Act of 2005, of,

such amount as the Scottish Ministers may determine in respect of expenditure incurred by, as the case may be, those local authorities, that local authority or that community justice authority, in providing a relevant service.

(1A) In subsection (1) above, a “relevant service” means a service—

- (a) for the purposes mentioned in section 27(1) of this Act;
- (b) for enabling those local authorities, that local authority or that community justice authority to comply with the area plan prepared by the community justice authority under section 3(5)(a)(i) of that Act of 2005; or
- (c) for such other similar purposes as the Scottish Ministers may prescribe.

(1B) Any grant made under, or paid by virtue of, subsection (1) above is subject to such conditions as the Scottish Ministers may determine.”; and

(b) in subsection (2), for the words “(1)(b)” substitute “(1)(c)”.

(3) In section 27B of that Act (grants in respect of hostel accommodation for persons under supervision)—

(a) for subsection (1) substitute—

“(1) The Scottish Ministers may (any or all)—

- (a) pay to a community justice authority, for allocation under section 3(5)(e)(ii) of the Management of Offenders etc. (Scotland) Act 2005 (asp 14) as grants to the local authorities within its area;
- (b) make a grant to a local authority of;
- (c) make a grant to a community justice authority, in respect of any function exercisable by that authority by virtue of section 8(2) or (3) of that Act of 2005, of,

such amount as the Scottish Ministers may determine in respect of relevant expenditure.

(1A) In subsection (1) above, “relevant expenditure” means expenditure incurred by, as the case may be, those local authorities or that local authority in—

- (a) providing; or
- (b) contributing by way of grant under section 10(3) of this Act to the provision by a voluntary organisation of,

residential accommodation wholly or mainly for the persons mentioned in subsection (2) below.

- (1B) Any grant made under, or paid by virtue of, subsection (1) above is subject to such conditions as the Scottish Ministers may determine.”; and
- (b) in subsection (2), for “subsection (1)” substitute “subsection (1A)”.
- (4) In section 90 of that Act (orders, regulations etc.), after subsection (3) add—
- “(4) A statutory instrument containing an order under section 27(1D) or 27A(1A) (c) of this Act is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.”.
- (5) In the Schedule to the Repatriation of Prisoners Act 1984 (c. 47) (operation of certain enactments in relation to prisoner), in paragraph 2 as substituted by section 33(1)(b)(i) of the Criminal Justice (Scotland) Act 2003 (asp 7) (prisoners repatriated to Scotland)—
- (a) in sub-paragraph (1), for the words “2(2) and (7)” substitute “1AA, 2(2) and (7), 3AA”; and
- (b) in sub-paragraph (2), for the words “or 2(2) or (7)” substitute “, 2(2) or (7) or 3AA”.
- (6) In section 8(1) of the Prisons (Scotland) Act 1989 (c. 45) (provision for constitution of visiting committees), for the words from “at” to the end, substitute—
- “(a) by such—
- (i) community justice authorities, or
- (ii) councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994,
- (b) at such times,
- (c) in such manner, and
- (d) for such periods,
- as may be prescribed by the rules.”.
- (7) In section 27(4A) of the 1993 Act (construction of references in Part 1 of that Act to wholly concurrent or partly concurrent terms of imprisonment or detention), in sub-paragraph (i) of paragraph (a) and in each of sub-paragraphs (i) and (ii) of paragraph (b), for the words “is imposed” substitute “commences”.
- (8) In Schedule 1 to the Crime (Sentences) Act 1997 (c. 43) (transfer of prisoners within the British Isles)—
- (a) in paragraph 10—
- (i) in sub-paragraph (2)(a), for the words “1A, 3” substitute “1AA, 1A, 3, 3AA”; and
- (ii) in sub-paragraph (5)(a), for the words “1A, 2(4)” substitute “1AA, 1A, 2(4), 3AA”;
- (b) in paragraph 11(2)—
- (i) for the word “or”, where it occurs for the second time, substitute “to”; and
- (ii) in head (a), for the words “1A, 3” substitute “1AA, 1A, 3, 3AA”; and
- (c) in paragraph 11(4)(a), for the words “1A” substitute “1AA, 1A, 3AA”.

Status: This is the original version (as it was originally enacted).

- (9) In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7) (devolved public bodies), after the entry relating to the Common Services Agency for the Scottish Health Service, insert—
- “A community justice authority”.
- (10) In section 24(c) of the International Criminal Court (Scotland) Act 2001 (asp 13) (limited disapplication of certain provisions relating to sentences), for the words “1A, 2, 3” substitute “1AA, 1A, 2, 3, 3AA”.
- (11) In part 2 of schedule 2 to the Scottish Public Services Ombudsman Act 2002 (asp 11) (persons liable to investigation: Scottish public authorities), after paragraph 21 insert—
- “21A A community justice authority.”.
- (12) In Part 7 of schedule 1 to the Freedom of Information (Scotland) Act 2002 (asp 13) (Scottish public authorities), after paragraph 62 insert—
- “62A A community justice authority.”.
- (13) In section 40(1) of the Criminal Justice (Scotland) Act 2003 (asp 7) (remote monitoring of released prisoners), the words from “but” to the end are repealed.