

*These notes relate to the Custodial Sentences and Weapons (Scotland)
Act 2007 (asp 17) which received Royal Assent on 19 April 2007*

CUSTODIAL SENTENCES AND WEAPONS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 2 - Confinement and Release of Prisoners **CHAPTER 3**

Community and Life Licences

Community Licences

Section 30 - Release on community licence on Parole Board's direction

67. Where the Parole Board specifies conditions to be included in a community licence by virtue of sections 13(2)(b), 14(3)(b), 16(3), 18(3)(b) or 42(4)(b), the Scottish Ministers must include these conditions in the community licence. Subsection (2) provides that the Scottish Ministers must also include the standard conditions specified at section 28 and, if applicable, the supervision conditions. Subsection (3) provides that the Scottish Ministers may only vary or cancel the conditions or include further conditions, if directed by the Parole Board to do so.

Section 31 - Community licences in which Scottish Ministers may specify conditions

68. This section provides that, in a case where the Scottish Ministers release a prisoner without referring the case to the Parole Board, the Scottish Ministers can include such conditions as they consider appropriate upon the prisoner being released on community licence either on the expiry of the custody part or as a result of being granted compassionate release. Subsection (2) also provides that the Scottish Ministers must include the standard conditions specified at section 28 and, if applicable, the supervision conditions. Subsection (3) allows Scottish Ministers to vary or cancel conditions or include such further conditions as they consider appropriate. Subsection (4) provides that in exercising such powers they must co-operate with the appropriate local authority, as defined in section 9.