



Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

PART 2

CONFINEMENT AND RELEASE OF PRISONERS

CHAPTER 4

CURFEW LICENCES

47 Curfew licences

- (1) Subsection (2) applies in relation to a custody and community prisoner who—
 - (a) is serving a sentence of imprisonment for a term of 3 months or more, and
 - (b) is of a description specified by the Scottish Ministers by order.
- (2) The Scottish Ministers may release the prisoner on licence (a “curfew licence”) before the expiry of the custody part of the prisoner’s sentence.
- (3) A curfew licence must include a curfew condition.
- (4) The Scottish Ministers may release a prisoner on curfew licence only—
 - (a) after the later of—
 - (i) the day on which the prisoner has served the greater of one-quarter or four weeks of the prisoner’s sentence, or
 - (ii) the day falling 135 days before the expiry of the custody part of the sentence, and
 - (b) before the day falling 14 days before the expiry of the custody part.
- (5) In determining whether to release a prisoner on curfew licence, the Scottish Ministers must have regard to the need to—
 - (a) protect the public at large,
 - (b) prevent re-offending by the prisoner, and
 - (c) secure the successful re-integration of the prisoner into the community.

Status: This is the original version (as it was originally enacted).

- (6) The Scottish Ministers may include in a curfew licence such other conditions as they consider appropriate.
- (7) Where a prisoner is released on curfew licence, the prisoner must, while the licence is in force, comply with the conditions included in the licence.
- (8) A curfew licence remains in force until the expiry of the custody part of the prisoner's sentence.
- (9) An order under subsection (1)(b) may include provision—
 - (a) applying provisions of this Part to curfew licences subject to modifications specified in the order,
 - (b) amending the periods of time mentioned in subsection (4).

48 Curfew conditions

- (1) A curfew condition is a condition which requires the person to whom it relates to remain at a place specified in the condition for periods so specified.
- (2) A curfew condition may—
 - (a) require the person not to be in a place, or class of place, so specified at a time or during a period so specified,
 - (b) specify different places, or different periods, for different days.
- (3) A curfew condition may not specify periods which amount to less than nine hours in any one day (excluding the first and last days of the period for which the condition is in force).

49 Monitoring of curfew conditions

- (1) A person's compliance with a curfew condition is to be monitored remotely.
- (2) Section 245C of the 1995 Act (contractual and other arrangements for, and devices which may be used for the purposes of, remote monitoring) applies in relation to the imposition of, and compliance with, a curfew condition as that section applies in relation to the making of, and compliance with, a restriction of liberty order.
- (3) The Scottish Ministers must designate in a curfew licence a person who is to be responsible for the remote monitoring.
- (4) The Scottish Ministers may replace the person designated under subsection (3) (or last designated under this subsection) with another person designated with the responsibility for the remote monitoring.
- (5) As soon as is practicable after designating a person under subsection (3) or (4), the Scottish Ministers must send the person—
 - (a) a copy of the curfew condition, and
 - (b) any other information they consider necessary for the fulfilment of the person's responsibility.
- (6) If a designation is made under subsection (4), the Scottish Ministers must, in so far as it is practicable to do so, notify the person replaced.