

*Status: This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Custodial Sentences and Weapons (Scotland) Act 2007, SCHEDULE 2 is up to date with all changes known to be in force on or before 19 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*

PROSPECTIVE

## SCHEDULE 2

(introduced by section 52)

### PRISONERS SERVING MORE THAN ONE SENTENCE: APPLICATION OF PART 2

#### *Multiple custody-only sentences*

- 1 (1) This paragraph applies where a prisoner—
  - (a) is serving, or liable to serve, two or more custody-only sentences, and
  - (b) is not serving, or liable to serve, any other sentence of imprisonment.
- (2) Part 2 applies subject to the following modifications.
- (3) In sections 5 and 34(1), references to the prisoner's sentence are to be read as references to the custody-only sentence which expires after the expiry of the other custody-only sentence (or sentences) imposed on the prisoner.

#### *Multiple custody and community sentences*

- 2 (1) This paragraph applies where a prisoner—
  - (a) is serving, or liable to serve, two or more custody and community sentences, and
  - (b) is not serving, or liable to serve, any other sentence of imprisonment.
- (2) Part 2 applies subject to the following modifications.
- (3) In sections 10 to 13, 18 and 47, references to the custody part of the prisoner's custody and community sentence are to be read as references to the custody part which expires after the expiry of the other custody part (or parts) specified in relation to the prisoner.
- (4) In section 14—
  - (a) subsection (9) does not apply, and
  - (b) “three-quarter point”, in relation to each of the sentences imposed on the prisoner, means the day on which the prisoner will have served at least three-quarters of each of those sentences.
- (5) In section 19(1), the reference to the prisoner's having served three-quarters of the prisoner's sentence is to be read as a reference to the prisoner's having served at least three-quarters of each sentence imposed on the prisoner.
- (6) In sections 34(2) and 43, references to the expiry of the prisoner's sentence are to be read as references to the expiry of the sentence which expires after the expiry of the other custody and community sentence (or sentences) imposed on the prisoner.
- (7) In section 47(4)(a)(i), the reference to the prisoner's sentence is to be read as a reference to the longer (or longest) of the sentences imposed on the prisoner.
- (8) This paragraph is subject to paragraph 7.

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*Combinations of custody-only and custody and community sentences*

- 3 (1) This paragraph applies where a prisoner—
- (a) is serving, or liable to serve, at least one custody-only sentence and at least one custody and community sentence, and
  - (b) is not serving, or liable to serve, any other sentence of imprisonment.
- (2) Part 2 applies subject to the following modifications.
- (3) Sections 5 and 34(1) do not apply.
- (4) In sections 10 to 13, 18 and 47, references to the custody part are to be read as references to the custody-only sentence or, as the case may be, the custody part of the custody and community sentence which expires after the expiry of—
- (a) any other custody-only sentence (or sentences) imposed on the prisoner, and
  - (b) the custody part of any other custody and community sentence (or sentences) so imposed.
- (5) In section 14—
- (a) subsection (9) does not apply, and
  - (b) “three-quarter point”, in relation to each of the sentences imposed on the prisoner, means the day on which the prisoner will have served—
    - (i) at least three-quarters of the custody and community sentence (or sentences), and
    - (ii) the custody-only sentence (or sentences).
- (6) In section 19(1), the reference to the prisoner's having served three-quarters of the prisoner's sentence is to be read as a reference to the prisoner's having served—
- (a) at least three-quarters of the custody and community sentence (or sentences) imposed on the prisoner, and
  - (b) the custody-only sentence (or sentences) so imposed.
- (7) In sections 34(2) and 43, references to the expiry of the prisoner's sentence are to be read as references to the expiry of the sentence which expires after the expiry of the other sentence (or sentences) imposed on the prisoner.
- (8) In section 47(4)(a)(i), the reference to the prisoner's sentence is to be read as a reference—
- (a) where one custody and community sentence is imposed on the prisoner, to that sentence,
  - (b) where two or more such sentences are so imposed, to the longer (or longest) of them.
- (9) This paragraph is subject to paragraph 7.

*Multiple life sentences*

- 4 (1) This paragraph applies where a prisoner—
- (a) is serving, or liable to serve, two or more life sentences, and
  - (b) is not serving, or liable to serve, any other sentence of imprisonment.
- (2) Part 2 applies subject to the following modifications.

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- (3) In sections 20 to 23, references to the punishment part are to be read as references to the punishment part which expires after the expiry of the other punishment part (or parts) imposed on the prisoner.

*Combinations of life sentences and other sentences*

- 5 (1) This paragraph applies where a prisoner is serving, or liable to serve, at least one life sentence and any of the following—
- (a) a custody-only sentence,
  - (b) two or more custody-only sentences,
  - (c) a custody and community sentence,
  - (d) two or more custody and community sentences.
- (2) Part 2 applies subject to the following modifications.
- (3) Sections 5, 9 to 19, 30, 31, 34(1) and (2), 43 and 47 to 49 do not apply.
- (4) In sections 20 to 23, references to the punishment part are to be read as references to the custody-only sentence, the custody part of the custody and community sentence or, as the case may be, the punishment part of the life sentence which expires after the expiry of—
- (a) any other custody-only sentence (or sentences) imposed on the prisoner,
  - (b) the custody part of any other custody and community sentence (or sentences) so imposed, and
  - (c) the punishment part of any other life sentence (or sentences) so imposed.

*Single licence for released prisoner serving multiple sentences*

- 6 (1) This paragraph applies where—
- (a) paragraph 2, 3, 4 or 5 applies to a prisoner, and
  - (b) the prisoner is released on licence by virtue of section 11(2), 13(2)(a), 19(1), 23(2)(a), 27(1) or 42(4)(a).
- (2) The prisoner must be released on a single licence as respects both (or all) sentences of imprisonment imposed on the prisoner.
- (3) References in Part 2 to the prisoner's licence are to be read as references to that single licence.

*Special case: extended sentences*

- 7 (1) Where a custody and community sentence imposed on a prisoner is an extended sentence, the modifications in paragraphs 2(4), (5) and (7) and 3(5), (6)(a) and (8) are to be read subject to sub-paragraph (2).
- (2) In the case of the extended sentence, references in those paragraphs to the prisoner's sentence are references to the confinement term of the prisoner's sentence.
- (3) In this paragraph the expressions “extended sentence” and “the confinement term” are to be construed in accordance with section 210A(2) of the 1995 Act.

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**Changes and effects yet to be applied to :**

- Sch. 2 para. 5(3) word inserted by [2010 asp 13 Sch. 3 para. 13\(6\)\(b\)\(ii\)](#)
- Sch. 2 para. 6(1)(b) word inserted by [2010 asp 13 Sch. 3 para. 13\(7\)](#)
- Sch. 2 para. 5(3) words inserted by [2010 asp 13 Sch. 3 para. 13\(6\)\(b\)\(i\)](#)
- Sch. 2 para. 1(1)(a) words substituted by [2010 asp 13 Sch. 3 para. 13\(3\)\(a\)](#)
- Sch. 2 para. 1(3) words substituted by [2010 asp 13 Sch. 3 para. 13\(3\)\(b\)\(i\)](#)
- Sch. 2 para. 1(3) words substituted by [2010 asp 13 Sch. 3 para. 13\(3\)\(b\)\(ii\)](#)
- Sch. 2 para. 3(1)(a) words substituted by [2010 asp 13 Sch. 3 para. 13\(5\)\(a\)](#)
- Sch. 2 para. 3(3) words substituted by [2010 asp 13 Sch. 3 para. 13\(5\)\(b\)](#)
- Sch. 2 para. 3(4) words substituted by [2010 asp 13 Sch. 3 para. 13\(5\)\(c\)\(i\)](#)
- Sch. 2 para. 3(4)(a) words substituted by [2010 asp 13 Sch. 3 para. 13\(5\)\(c\)\(ii\)](#)
- Sch. 2 para. 3(5)(b)(ii) words substituted by [2010 asp 13 Sch. 3 para. 13\(5\)\(d\)](#)
- Sch. 2 para. 3(6)(b) words substituted by [2010 asp 13 Sch. 3 para. 13\(5\)\(d\)](#)
- Sch. 2 para. 5(1)(a) words substituted by [2010 asp 13 Sch. 3 para. 13\(6\)\(a\)](#)
- Sch. 2 para. 5(1)(b) words substituted by [2010 asp 13 Sch. 3 para. 13\(6\)\(a\)](#)
- Sch. 2 para. 5(4) words substituted by [2010 asp 13 Sch. 3 para. 13\(6\)\(c\)\(i\)](#)
- Sch. 2 para. 5(4)(a) words substituted by [2010 asp 13 Sch. 3 para. 13\(6\)\(c\)\(ii\)](#)
- Sch. 2 para. 1 cross-heading words substituted by [2010 asp 13 Sch. 3 para. 13\(2\)](#)
- Sch. 2 para. 3 cross-heading words substituted by [2010 asp 13 Sch. 3 para. 13\(4\)](#)

**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. 29A inserted by [2010 asp 13 s. 18\(6\)](#)
- s. 42A inserted by [2010 asp 13 Sch. 3 para. 6](#)
- s. 45(1)(za)(zb) inserted by [2010 asp 13 Sch. 3 para. 7\(2\)](#)
- s. 46A inserted by [2010 asp 13 s. 18\(7\)](#)
- s. 47(3A) inserted by [2010 asp 13 s. 18\(8\)\(c\)](#)
- s. 47(8)(a)(b) substituted for words by [2010 asp 13 s. 18\(8\)\(e\)](#)
- s. 51(1A) inserted by [2010 asp 13 Sch. 3 para. 9\(3\)](#)
- Sch. 2 para. 1(4) added by [2010 asp 13 Sch. 3 para. 13\(3\)\(c\)](#)
- Sch. 2 para. 7(1A) inserted by [2010 asp 13 Sch. 3 para. 13\(8\)](#)
- Sch. 3 para. 2A inserted by [2010 asp 13 Sch. 3 para. 14\(3\)](#)
- Sch. 3 para. 3(3) inserted by [2010 asp 13 Sch. 3 para. 14\(4\)\(b\)](#)
- Sch. 3 para. 3A inserted by [2010 asp 13 Sch. 3 para. 14\(5\)](#)
- Sch. 3 para. 5(4A) inserted by [2010 asp 13 Sch. 3 para. 14\(6\)\(d\)](#)
- Sch. 3 para. 5(6) inserted by [2010 asp 13 Sch. 3 para. 14\(6\)\(e\)](#)