

SCHEDULE 4

(introduced by section 66(1))

MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 1 (1) Section 167 of the 1995 Act (forms of finding and sentence in summary proceedings) is amended as follows.
 - (2) In subsection (7)—
 - (a) paragraph (a) and the word “or” immediately following it are repealed,
 - (b) for the words “previous sentence for a term or order” substitute “period mentioned in subsection (7D) below”, and
 - (c) for the words “later conviction or order” substitute “order mentioned in paragraph (b) of this subsection”.
 - (3) After subsection (7C), insert—

“(7D) The periods are—

 - (a) any previous custody-only sentence,
 - (b) the custody part of any previous custody and community sentence,
 - (c) any previous sentence for a term passed by a court in any part of the United Kingdom outwith Scotland,

following on conviction or any previous order for committal in default of payment of any sum of money or for contempt of court.

(7E) In subsection (7D) above, “custody and community sentence”, “custody-only sentence” and “custody part” have the meanings given by section 4(1) of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17).”.
- 2 In section 204A of the 1995 Act (restriction on consecutive sentences for released prisoners), for the words from “at” to the end of the section substitute “on licence by virtue of Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17).”.
- 3 (1) Section 210A of the 1995 Act (extended sentences for sex and violent offenders) is amended as follows.
 - (2) In subsection (1)(b), before “licence” insert “community”.
 - (3) In subsection (2)—
 - (a) in paragraph (a), for “custodial” substitute “confinement”,
 - (b) in paragraph (b), before “licence” insert “community”.
 - (4) In subsection (6), for “custodial” substitute “confinement”.
 - (5) In subsection (10), for the words from ““licence”” to “1993” substitute—

““community licence” has the same meaning as in Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17);

“relevant officer”, in relation to a local authority, means an officer of that authority employed by them in the discharge of their functions under section 27(1) of the Social Work (Scotland) Act 1968 (supervision and care of persons put on probation or released from prison etc.);”.

Status: This is the original version (as it was originally enacted).

Criminal Justice (Scotland) Act 2003 (asp 7)

- 4 (1) Section 40 of the Criminal Justice (Scotland) Act 2003 (remote monitoring of released prisoners) is amended as follows.
- (2) In subsection (1), for the words from “licence” to the end of paragraph (b) substitute “community licence or life licence under Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)”.
- (3) In subsection (3)—
- (a) for “specify” substitute “include”, and
- (b) for “specified” substitute “included”.
- (4) In subsection (8), for paragraphs (a) and (b) substitute—
- “(a) section 30 of the Custodial Sentences and Weapons (Scotland) Act 2007 (community licences: Scottish Ministers to include only licence conditions specified by Parole Board), or
- (b) section 32(2) of that Act (life licences: Scottish Ministers to include only licence conditions specified by Parole Board).”.

Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)

- 5 (1) The Police, Public Order and Criminal Justice (Scotland) Act 2006 is amended as follows.
- (2) In section 91 (assistance by offender: reduction in sentence), in subsection (8)(b), for “section 2 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)” substitute “section 20(3) of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)”.
- (3) In section 92 (assistance by offender: review of sentence), in subsection (5), for the words from “(whether” to the end of the subsection substitute “on licence under Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17) is to be treated as still serving the sentence for so long as the licence remains in force.”
- (4) In section 94 (section 92: further provision), in subsection (3)(b)—
- (a) for “or unconditionally under Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)” substitute “under Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)”, and
- (b) the words from “before” to “full” are repealed.