



# Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

## PART 2

### CONFINEMENT AND RELEASE OF PRISONERS

#### CHAPTER 2

##### CONFINEMENT, REVIEW AND RELEASE OF PRISONERS

###### *Life prisoners*

### **20 Setting of punishment part**

- (1) This section applies where the court imposes on a person a life sentence.
- (2) After imposing the sentence, the court must make an order specifying the punishment part of the sentence.
- (3) The punishment part is that part of the person's life sentence which, taking into account—
  - (a) in the case of a mandatory life sentence, the matters mentioned in subsection (4),
  - (b) in the case of a discretionary life sentence or an order for lifelong restriction under section 210F of the 1995 Act, the matters mentioned in subsection (5),the court considers appropriate to satisfy the requirements for retribution and deterrence (ignoring any period of confinement which may be necessary for the protection of the public).
- (4) Those matters are—
  - (a) the seriousness of the offence, or of the offence combined with other offences of which the person is convicted on the same indictment as that offence,
  - (b) any previous conviction of the person, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) where appropriate, the matters mentioned in paragraphs (a) and (b) of section 196(1) of the 1995 Act.
- (5) Those matters are—
- (a) any period of imprisonment which the court considers would have been appropriate for the offence had the court not imposed a sentence, or made an order, such as is mentioned in subsection (3)(b) for the offence, and
  - (b) the part of that period of imprisonment which, by virtue of section 6, the court would have specified as the custody part.
- (6) An order specifying a punishment part must specify the punishment part in years and months.
- (7) It does not matter that a punishment part so specified may exceed the remainder of the person's natural life.
- (8) An order specifying a punishment part constitutes part of a person's sentence within the meaning of the 1995 Act for the purposes of any appeal or review.