



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

Custody and community prisoners

9 Joint arrangements between Scottish Ministers and local authorities

- (1) The Scottish Ministers and each local authority must jointly establish arrangements for the assessment and management of the risks posed in the local authority's area by custody and community prisoners.
- (2) For the purposes of assisting the Scottish Ministers in making a determination under section 10(1), the Scottish Ministers and the appropriate local authority must during the custody part of a custody and community prisoner's sentence assess in accordance with arrangements established under subsection (1) whether subsection (3) applies in respect of the prisoner.
- (3) This subsection applies if the prisoner would, were the prisoner released on community licence on the expiry of the custody part, be likely to cause serious harm to members of the public.
- (4) In this section, "appropriate local authority", in relation to a custody and community prisoner, means the local authority for the area in which the prisoner—
 - (a) resided immediately before the imposition of the custody and community sentence, or
 - (b) intends to reside on release on community licence.

Status: This is the original version (as it was originally enacted).

- (5) If, by virtue of subsection (4), two or more local authorities are the appropriate local authority in relation to a custody and community prisoner, those authorities may agree that the functions conferred on them by subsection (2) and section 31(4) may be carried out by only one of them.