

SCHEDULE 3
SHORT-TERM CUSTODY AND COMMUNITY
SENTENCES: CONSEQUENTIAL AMENDMENTS

Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17)

- 13 (1) Schedule 2 (prisoners serving more than one sentence) is amended as follows.
- (2) Before paragraph 1, in the italic heading, for “custody-only” substitute “short-term custody and community”.
- (3) In paragraph 1—
- (a) in sub-paragraph (1)(a), for “custody-only” substitute “short-term custody and community”,
 - (b) in sub-paragraph (3)—
 - (i) for “and 34(1)” substitute “, 34(1) and 42A”, and
 - (ii) for “custody-only” in both places where it occurs substitute “short-term custody and community”, and
 - (c) after sub-paragraph (3) add—
 - “(4) In section 47(3A)—
 - (a) references to the expiry of one-half of the prisoner’s sentence are to be read as references to the expiry of one-half of the short-term custody and community sentence that expires after the expiry of one-half of the other short-term custody and community sentence (or sentences),
 - (b) in paragraph (a)(i), the reference to the expiry of the prisoner’s sentence is to be read as a reference to the longer (or longest) of the sentences imposed on the prisoner.”.
- (4) Before paragraph 3, in the italic heading, for “custody-only” substitute “short-term custody and community”.
- (5) In paragraph 3—
- (a) in sub-paragraph (1)(a), for “custody-only” substitute “short-term custody and community”,
 - (b) in sub-paragraph (3), for “and 34(1)” substitute “, 34(1), 42A and subsections (3A) and (8)(a) of section 47”,
 - (c) in sub-paragraph (4)—
 - (i) for “the custody-only” substitute “one-half of the short-term custody and community”, and
 - (ii) in paragraph (a), for “any other custody-only” substitute “one-half of any other short-term custody and community”, and
 - (d) in sub-paragraph (5)(b)(ii) and (6)(b), for “the custody-only” substitute “at least one-half of the short-term custody and community”.
- (6) In paragraph 5—
- (a) in sub-paragraph (1), in both paragraphs (a) and (b), for “custody-only” substitute “short-term custody and community”,
 - (b) in sub-paragraph (3)—
 - (i) after “19” insert “, 29A, 29B”, and

Status: This is the original version (as it was originally enacted).

- (ii) after “(2)” insert “, 42A”, and
- (c) in sub-paragraph (4)—
 - (i) for “the custody-only” substitute “one-half of the short-term custody and community”, and
 - (ii) in paragraph (a), for “any other custody-only” substitute “one-half of any other short-term custody and community”.
- (7) In paragraph 6, in sub-paragraph (1)(b), after “section” insert “5”.
- (8) In paragraph 7, after sub-paragraph (1) insert—
 - “(1A) Where a short-term custody and community sentence imposed on a prisoner is an extended sentence, the modifications in paragraphs 1(3) and (4) and 3(4), (5)(b)(ii), (6) and (8A) are to be read subject to sub-paragraph (2).”.