

SCHEDULE 4
CONVICTIONS BY COURTS IN OTHER EU MEMBER
STATES: MODIFICATIONS OF ENACTMENTS

PART 1

THE 1995 ACT

The 1995 Act

- 5 In section 204 (restrictions on passing sentence of imprisonment or detention)—
- (a) in each of subsections (1) and (2), after “United Kingdom” insert “ or in another member State of the European Union ”, and
 - (b) after subsection (4) insert—
 - “(4A) The court shall, for the purpose of determining whether a person has been previously sentenced to imprisonment or detention by a court in a member State of the European Union other than the United Kingdom—
 - (a) disregard any previous sentence of imprisonment which, being the equivalent of a suspended sentence, has not taken effect;
 - (b) construe detention as meaning an equivalent sentence to any of those mentioned in subsection (4)(b).
 - (4B) Any issue of equivalence arising in pursuance of subsection (4A) is for the court to determine.”.

Commencement Information

II Sch. 4 para. 5 in force at 13.12.2010 by S.S.I. 2010/413, art. 2, Sch. (with Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Paragraph 5.