



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 1

### SENTENCING

#### *The Scottish Sentencing Council*

#### **5 Approval of sentencing guidelines by High Court**

- (1) Sentencing guidelines have no effect unless approved by the High Court of Justiciary.
- (2) On submitting sentencing guidelines to the High Court for approval, the Council must also provide the High Court with the assessments referred to in section 3(5).
- (3) Where the Council submits sentencing guidelines to the High Court for approval, the Court may—
  - (a) approve the proposed guidelines—
    - (i) in whole or in part,
    - (ii) with or without modifications, or
  - (b) reject the proposed guidelines, in whole or in part.
- (4) Where the High Court—
  - (a) rejects any of the proposed guidelines, or
  - (b) modifies any of them,the Court must state its reasons for doing so.
- (5) Sentencing guidelines approved by the High Court take effect on such date as the Court may determine.
- (6) Different dates may be determined in relation to—
  - (a) different provisions of the guidelines, or
  - (b) different purposes.

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 5. (See end of Document for details)*

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- (7) As soon as possible after the approval of sentencing guidelines by the High Court, the Council must publish—
- (a) the guidelines as approved (including the date on which they take effect), and
  - (b) the assessments referred to in section 3(5) (revised as necessary to take account of any modifications of the guidelines prior to their approval).
- (8) The guidelines and assessments are to be published in such manner as the Council considers appropriate.

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**Commencement Information**

**II** S. 5 in force at 19.10.2015 by [S.S.I. 2015/336](#), **art. 2(a)**

**Changes to legislation:**

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