



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 4

SENTENCING

Prisoners on early release

85 Sentencing under the 1995 Act

After section 200 of the 1995 Act there is inserted—

“200A Sentencing prisoners on early release

- (1) Before sentencing or otherwise dealing with a person who has been found by the court to have committed an offence punishable with imprisonment (other than an offence in respect of which life imprisonment is mandatory), the court must so far as is reasonably practicable ascertain whether the person was on early release at the time the offence was committed.
- (2) Where the court ascertains that the person was on early release at the time the offence was committed, the court must consider making an order, or as the case may be a reference, under section 16(2) of the Prisoners and Criminal Proceedings (Scotland) Act 1993.
- (3) For the purposes of this section a person is on early release if, by virtue of one of the following enactments, the person is not in custody—
 - (a) Part I of the Prisoners and Criminal Proceedings (Scotland) Act 1993,
 - (b) Part II of the Criminal Justice Act 1991, or
 - (c) Part 12 of the Criminal Justice Act 2003.”.