



# International Criminal Court (Scotland) Act 2001

2001 asp 13

## PART 3

### ENFORCEMENT OF SENTENCES AND ORDERS

#### *Sentences of imprisonment*

#### **23 Detention in Scotland of certain prisoners**

- (1) This section applies where the Scottish Ministers have agreed, in pursuance of section 42(2)(b) of the 2001 Act (duty to issue warrant where the Scottish Ministers agree that a person should be detained in Scotland), that a person on whom a sentence of imprisonment has been imposed (a “prisoner”) should be detained in Scotland.
- (2) The warrant issued by the Scottish Ministers under that section of the 2001 Act shall include provision authorising—
  - (a) the detention of the prisoner in Scotland in accordance with the sentence imposed; and
  - (b) the taking of the prisoner to a specified place where the prisoner is to be detained,(any such warrant being referred to in this section as a “Scottish warrant”).
- (3) The provisions of a Scottish warrant—
  - (a) may be varied by the Scottish Ministers; and
  - (b) shall be so varied to give effect to any variation of the sentence.
- (4) Subject to section 24 of this Act, a prisoner subject to a Scottish warrant shall be treated for all purposes as if the prisoner were subject to a sentence of imprisonment imposed in exercise of its criminal jurisdiction by a court in Scotland.

#### **24 Limited disapplication of certain provisions relating to sentences**

The following provisions shall not apply in relation to a person detained in Scotland in pursuance of section 42(2)(b) of the 2001 Act—

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*Status: This is the original version (as it was originally enacted).*

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- (a) any provision of rules made under section 39 of the Prisons (Scotland) Act 1989 (c. 45) (prison rules) providing for temporary release;
- (b) section 40(2) of that Act of 1989 (deduction of periods unlawfully at large); and
- (c) sections 1, 1A, 2, 3, 9, 10 and 27(7) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9) (transfer and release of prisoners).

## **25 Amendment of Mental Health (Scotland) Act 1984**

In section 74(6) of the Mental Health (Scotland) Act 1984 (c. 36) (application, in circumstances where a person is released from a sentence of imprisonment, of provisions relating to transfer directions and restriction directions), at the end there shall be inserted “or otherwise”.