

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Criminal
Justice and Licensing (Scotland) Act 2010, Paragraph 14. (See end of Document for details)

PROSPECTIVE

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

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

- 14 (1) Schedule 3 (sentences framed to run consecutively) is amended as follows.
- (2) In paragraph 1(4)(a), for “custody-only sentence, that sentence” substitute “ short-term custody and community sentence, one-half of that sentence ”.
- (3) Before paragraph 3 insert—
- “2A (1) This paragraph applies where—
- (a) the court imposes a short-term custody and community sentence as a further sentence,
 - (b) the court frames the sentence to take effect in accordance with paragraph 1(2) or (3), and
 - (c) the prisoner's previous sentence (or one of the prisoner's previous sentences) is a short-term custody and community sentence.
- (2) In determining the date on which the previous sentence expires, no account is to be taken of the period of confinement served under the further sentence.
- (3) In determining the date on which the further sentence expires, no account is to be taken of the balance of the previous sentence.”.
- (4) In paragraph 3—
- (a) in sub-paragraph (1)(a), for “custody-only” substitute “ short-term custody and community ”, and
 - (b) after sub-paragraph (2) insert—
- “ (3) In determining the date on which the further sentence expires, no account is to be taken of the balance of the previous sentence.”.
- (5) After paragraph 3 insert—
- “3A (1) This paragraph applies where—
- (a) the court imposes a custody and community sentence as a further sentence,
 - (b) the court frames the sentence to take effect in accordance with paragraph 1(2) or (3), and
 - (c) the prisoner's previous sentence (or one of the prisoner's previous sentences) is a short-term custody and community sentence.
- (2) In determining the date on which the previous sentence expires, no account is to be taken of the period of confinement served under the further sentence.
- (3) In determining the date on which the further sentence expires, no account is to be taken of the balance of the previous sentence.”.

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(6) In paragraph 5—

- (a) sub-paragraph (1) is repealed,
- (b) in sub-paragraphs (2) and (3), for “paragraph 4” substitute “ the relevant paragraph ”,
- (c) in sub-paragraph (4)—
 - (i) in paragraph (a), for “4(2) and (3)” substitute “ sub-paragraphs (2) and (3) of the relevant paragraph ”, and
 - (ii) in paragraph (c), for “paragraph 4(3)” substitute “ sub-paragraph (3) of the relevant paragraph ”,
- (d) after sub-paragraph (4) insert—
 - “(4A) Where a short-term custody and community sentence or custody and community sentence imposed on a prisoner is an extended sentence, references in this schedule to—
 - (a) the prisoner's “previous sentence” are to be read as references to the “previous confinement term” of the prisoner's sentence,
 - (b) the prisoner's “further sentence” are to be read as references to the “further confinement term” of the prisoner's sentence.”, and
- (e) after sub-paragraph (5) insert—
 - “(6) In this paragraph “the relevant paragraph” means paragraph 2A, 3, 3A or 4 (whichever applies in the circumstances described).”.

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