
Changes to legislation: *Criminal Justice (Scotland) Act 2016, Paragraph 5 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 1 BREACH OF LIBERATION CONDITION

Matters for paragraph 3(2)(c)

- 5 (1) For the purpose of paragraph 3(2)(c), the matters are—
- (a) the number of undertakings to which the person was subject when offence O was committed,
 - (b) any previous conviction the person has for an offence under paragraph 1(1)(c),
 - (c) the extent to which the sentence or disposal in respect of any previous conviction differed, by virtue of paragraph 3(2), from that which the court would have imposed but for that paragraph.
- (2) In sub-paragraph (1)—
- (a) in paragraph (b), the reference to any previous conviction includes any previous conviction by a court in England and Wales, Northern Ireland or a member State of the European Union (other than the United Kingdom) for an offence that is equivalent to an offence under paragraph 1(1)(c),
 - (b) in paragraph (c), the references to paragraph 3(2) are to be read, in relation to a previous conviction by a court referred to in paragraph (a) of this sub-paragraph, as references to any provision that is equivalent to paragraph 3(2).
- (3) Any issue of equivalence arising under sub-paragraph (2)(a) or (b) is for the court to determine.

Commencement Information

II Sch. 1 para. 5 in force at 25.1.2018 by S.S.I. 2017/345, art. 3, sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)