

2008 No. 149 (C. 13)

CRIMINAL LAW

**The Management of Offenders etc. (Scotland) Act 2005
(Commencement No. 5) Order 2008**

Made - - - -

14th April 2008

The Scottish Ministers make the following Order in exercise of the powers conferred by section 24(2) and (3) of the Management of Offenders etc. (Scotland) Act 2005(a).

Citation

1. This Order may be cited as the Management of Offenders etc. (Scotland) Act 2005 (Commencement No. 5) Order 2008.

Commencement

2. The following provisions of the Management of Offenders etc. (Scotland) Act 2005 come into force on 30th April 2008—

- (a) section 10(1)(c);
- (b) section 10(1)(d), insofar as it relates to a person mentioned in section 10(11)(a) of the Management of Offenders etc. (Scotland) Act 2005;
- (c) section 10(2)(c); and
- (d) section 10(11)(a) and (b).

KENNY MACASKILL

A member of the Scottish Executive

St Andrew's House,
Edinburgh
14th April 2008

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force certain provisions of the Management of Offenders etc. (Scotland) Act 2005 (“the 2005 Act”).

Section 10(1) of the 2005 Act places a duty on the responsible authorities, as defined in section 10(7), to put in place, in each local authority area, arrangements for the assessment and management of the risks posed by persons falling into the categories set out in section 10(1). The section has already been commenced in respect of a person mentioned in section 10(1)(a), namely a person who is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c.42).

This Order commences section 10 in its application to a person who has in proceedings on indictment for an offence inferring personal violence—

- in terms of section 10(1)(c), been acquitted of that offence on grounds of insanity and in respect of whom a restriction order has been made by the court under section 59 of the Criminal Procedure (Scotland) Act 1995 (c.46) (“the 1995 Act”); or
- in terms of section 10(1)(d), been found by the court to be insane in bar of trial under section 54(1) of the 1995 Act.

However, the commencement of section 10(1)(d) only applies in so far as the person mentioned in that provision has also been made subject to a restriction order under section 57(2)(b) of the 1995 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2005 Act have been brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 3(1), (3), (4), (11), (12), (23), (24) and (25), 12, 15(1) to (3), (7), (10) (partially) and (14), 16, 18, 21(1)(a)(ii), (1)(b) and (c), (4), (5), (8) and (10)	8th February 2006	2006/48
Sections 1, 2, 3(2), (5)(a), (d), (f) to (h), (8), (9), (13) to (17), (20)(b), (21) and (22), 4, 5(1)(a), (2) to (4), 6 to 9, 21(1)(a)(i), (2), (3), (7), (9), (11) and (12)	3rd April 2006	2006/48
Sections 14 and 19	20th June 2006	2006/331
Section 15(4) to (6) (partially) and (8) to (13) (partially)	3rd July 2006	2006/331
Sections 10(3) (partially) and 21(13)	1st December 2006	2006/545

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 3 and 5 (insofar as not already commenced), 10(1)(a), (2)(a), (3) (insofar as not already commenced), (4) to (10), (11)(c) and (d) and (12) to (14), 11 and 21(6)	2nd April 2007	2006/545
Section 15(5) and (10) (partially)	11th February 2008	2008/21
Section 15(4) to (6) (insofar as not already commenced) and (8) to (13) (insofar as not already commenced)	21st March 2008	2008/21

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