



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

Imprisonment, etc.

210 Consideration of time spent in custody

- (1) A court, in passing a sentence of imprisonment or detention on a person for an offence, shall—
- (a) in determining the period of imprisonment or detention, have regard to any period of time spent in custody by the person on remand awaiting trial or sentence, or spent in custody awaiting extradition to the United Kingdom;
 - (b) specify the date of commencement of the sentence; and
 - (c) if the person—
 - (i) has spent a period of time in custody on remand awaiting trial or sentence; or
 - (ii) is an extradited prisoner for the purposes of this section,and the date specified under paragraph (b) above is not earlier than the date on which sentence was passed, state its reasons for not specifying an earlier date.
- (2) A prisoner is an extradited prisoner for the purposes of this section if—
- (a) he was tried for the offence in respect of which his sentence of imprisonment was imposed—
 - (i) after having been extradited to the United Kingdom; and
 - (ii) without having first been restored to the state from which he was extradited or having had an opportunity of leaving the United Kingdom; and
 - (b) he was for any period in custody while awaiting such extradition.

Status: This is the original version (as it was originally enacted).

- (3) In this section “extradited to the United Kingdom” means returned to the United Kingdom—
- (a) in pursuance of extradition arrangements (as defined in section 3 of the Extradition Act 1989);
 - (b) under any law which corresponds to that Act and is a law of a designated Commonwealth country (as defined in section 5(1) of that Act);
 - (c) under that Act as extended to a colony or under any corresponding law of a colony;
 - (d) in pursuance of arrangements with a foreign state in respect of which an Order in Council under section 2 of the Extradition Act 1870 is in force; or
 - (e) in pursuance of a warrant of arrest endorsed in the Republic of Ireland under the law of that country corresponding to the Backing of Warrants (Republic of Ireland) Act 1965.