



# Crime and Punishment (Scotland) Act 1997

## 1997 CHAPTER 48

### PART I

#### SENTENCING

##### *Automatic sentences*

### 3 Meaning of “conviction”.

After section 205 of the 1995 Act there shall be inserted the following section—

**“205C Meaning of “conviction” for purposes of sections 205A and 205B.**

- (1) For the purposes of paragraph (b) of subsection (1) of each of sections 205A and 205B of this Act “conviction” includes—
- (a) a finding of guilt in respect of which the offender was admonished under section 181 of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1975 (admonition); and
  - (b) a conviction for which an order is made placing the offender on probation,
- and related expressions shall be construed accordingly.
- (2) This subsection applies where a person has at any time been convicted of an offence under—
- (a) section 70 of the <sup>M2</sup>Army Act 1955;
  - (b) section 70 of the <sup>M3</sup>Air Force Act 1955; or
  - (c) section 42 of the <sup>M4</sup>Naval Discipline Act 1957.
- (3) Where subsection (2) above applies and the corresponding civil offence (within the meaning of the Act under which the offence was committed) was—

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**Changes to legislation:** There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Section 3. (See end of Document for details)

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- (a) a relevant offence within the meaning of section 205A of this Act; or
- (b) a Class A drug trafficking offence within the meaning of section 205B of this Act,

that section shall have effect as if he had been convicted in England and Wales of the corresponding civil offence.”.

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#### **Commencement Information**

**I1** [S. 3](#) partly in force; [s. 3](#) not in force at Royal Assent see [s. 65\(2\)](#); [s. 3](#) in force for certain purposes at 20.10.1997 by S.I. 19972323, art. 3, Sch. 1

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#### **Marginal Citations**

**M1** [1975 c. 21](#).  
**M2** [1955 c.18](#).  
**M3** [1955 c.19](#).  
**M4** [1957 c. 53](#).

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There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Section 3.