

Status: Point in time view as at 01/07/2005.

Changes to legislation: Crime and Disorder Act 1998, Cross Heading: Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9) is up to date with all changes known to be in force on or before 01 June 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)

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)

- 98 (1) In subsection (1) of section 1 of the 1993 Act (release of short-term, long-term and life prisoners), at the beginning there shall be inserted the words “ Subject to section 26A(4) of this Act, ”.
- (2) In subsection (2) of that section, at the end there shall be added the words “ unless he has before that time been so released, in relation to that sentence, under any provision of this Act ”.
- (3) After subsection (3) of that section there shall be inserted the following subsection—
- “(3A) Subsections (1) to (3) above are subject to section 1A of this Act.”

Modifications etc. (not altering text)

C1 [Sch. 8 para. 98\(2\)](#) restricted (19.9.1998) by [S.I. 1998/2327](#), [art.7\(1\)](#).

Commencement Information

II [Sch. 8 para. 98](#) wholly in force; [Sch. 8 para. 98](#) not in force at Royal Assent see [s. 121](#); In force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)\(2\)](#) (subject to savings in [arts. 5-8](#))

- 99 (1) After subsection (1) of section 4 of the 1993 Act (persons detained under the Mental Health (Scotland) Act 1984) there shall be inserted the following subsection—
- “(1A) This Part of this Act shall apply to a person conveyed to and detained in a hospital pursuant to a hospital direction under section 59A of the 1995 Act as if, while so detained, he was serving the sentence of imprisonment imposed on him at the time at which that direction was made.”
- (2) The amendment made by sub-paragraph (1) above shall be deemed to have had effect from 1 January 1998.
- 100 In section 5 of the 1993 Act (fine defaulters and persons in contempt of court)—
- (a) in subsection (1), for the words “and (3)” there shall be substituted the words “ to (4) ”; and
- (b) after subsection (3) there shall be inserted the following subsection—
- “(4) Where a person has had imposed on him two or more terms of imprisonment or detention mentioned in subsection (1)(a) or (b) above, sections 1A and 27(5) of this Act shall apply to those terms as if they were terms of imprisonment.”

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Modifications etc. (not altering text)

C2 Sch. 8 para. 100 explained (19.9.1998) by S.I. 1998/2327, art.7(2).

Commencement Information

I2 Sch. 8 para. 100 wholly in force; Sch. 8 para. 100 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 101 In section 7 of the 1993 Act (children detained in solemn proceedings)—
- (a) in subsection (1)(b), at the end there shall be added the words “ unless he has before that time been so released, in relation to that sentence, under any provision of this Act ”;
 - (b) after that subsection there shall be inserted the following subsections—
 - “(2A) This subsection applies where a child detained under section 208 of the 1995 Act is sentenced, while so detained, to a determinate term of detention in a young offenders institution or imprisonment and, by virtue of section 27(5) of this Act, such terms of detention or imprisonment are treated as single term.
 - (2B) In a case where subsection (2A) applies and the single term mentioned in that subsection is less than four years, the provisions of this section shall apply.
 - (2C) In a case where subsection (2A) applies and the single term mentioned in that subsection is of four or more years—
 - (a) section 6 of this Act shall apply to him as if the single term were an equivalent sentence of detention in a young offenders institution, if that term is served in such an institution; and
 - (b) the provisions of this Act shall apply to him as if the single term were an equivalent sentence of imprisonment, if that term is served in a remand centre or a prison.”;
 - (c) after subsection (4) there shall be inserted the following subsection—
 - “(4A) Where an order under subsection (3) above is made, the making of the order shall, if there is in force a licence relating to the person in respect of whom the order is made, have the effect of revoking that licence.”; and
 - (d) in subsection (5), after the word “construed” there shall be inserted the words “ and sections 1A and 27 shall apply ”.

Modifications etc. (not altering text)

C3 Sch. 8 para. 101(a) restricted (19.9.1998) by S.I. 1998/2327, art.7(3).

Commencement Information

I3 Sch. 8 para. 101 wholly in force; Sch. 8 para. 101 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

- 102 In section 11 of the 1993 Act (duration of licences), subsections (3)(b) and (4) shall cease to have effect.

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Modifications etc. (not altering text)

C4 Sch. 8 para. 102 restricted (19.9.1998) by S.I. 1998/2327, art.7(4).

Commencement Information

I4 Sch. 8 para. 102 wholly in force; Sch. 8 para. 102 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

103 In section 14 of the 1993 Act (supervised release of short-term prisoners), subsections (2) and (3) shall cease to have effect.

Modifications etc. (not altering text)

C5 Sch. 8 para. 103 restricted (19.9.1998) by S.I. 1998/2327, art.8(1).

Commencement Information

I5 Sch. 8 para. 103 wholly in force; Sch. 8 para. 103 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

104 (1) In subsection (1) of section 16 of the 1993 Act (orders for return to prison after commission of further offence), after the word “released” there shall be inserted the words “ at any time ”.

(2) In paragraph (a) of subsection (7) of that section, after the word “shall” there shall be inserted the words “ , if the licence is in force when the order is made, ”.

(3) Paragraph (b) of that subsection shall cease to have effect.

Modifications etc. (not altering text)

C6 Sch. 8 para. 104(3) restricted (19.9.1998) by S.I. 1998/2327, art.7(4).

Commencement Information

I6 Sch. 8 para. 104 wholly in force; Sch. 8 para. 104 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

105 In section 17 of the 1993 Act (revocation of licence), after subsection (4) there shall be inserted the following subsection—

“(4A) Where the case of a prisoner to whom section 3A of this Act applies is referred to the Parole Board under subsection (3) above, subsection (4) of that section shall apply to that prisoner in place of subsection (4) above.”

Commencement Information

I7 Sch. 8 para. 105 wholly in force; Sch. 8 para. 105 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

106 In section 20 of the 1993 Act (Parole Board for Scotland), at the end of subsection (4) there shall be inserted the words— “ and rules under this section may make different provision for different classes of prisoner. ”

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Commencement Information

I8 Sch. 8 para. 106 wholly in force; Sch. 8 para. 106 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

107 After subsection (7) of section 27 of the 1993 Act (interpretation) there shall be inserted the following subsection—

“(8) For the purposes of this section “public holiday” means any day on which, in the opinion of the Secretary of State, public offices or other facilities likely to be of use to the prisoner in the area in which he is likely to be following his discharge from prison will be closed.”

Commencement Information

I9 Sch. 8 para. 107 wholly in force; Sch. 8 para. 107 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

108 In Schedule 6 to the 1993 Act (transitional provisions), after paragraph 6C there shall be inserted the following paragraph—

“6D Where a prisoner released on licence is treated by virtue of the provisions of this or any other enactment as a prisoner whose licence was granted under section 2(4) of this Act, the validity of his licence shall not be affected by the absence in the licence of such a condition as is specified in section 12(2) of this Act.”

Commencement Information

I10 Sch. 8 para. 108 wholly in force; Sch. 8 para. 108 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1)(2) (subject to savings in arts. 5-8)

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