
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#) (“the 2005 Act”).

Article 2 amends Schedule 1 to the Crime (Sentences) Act 1997 (c. 43) (“the 1997 Act”) so that the provisions in the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”) relating to the release of prisoners on home detention curfew continue to apply to a prisoner transferred from England and Wales to Scotland on a restricted basis under Schedule 1 to the 1997 Act. In particular, in Article 2-

- (a) paragraph (a) amends paragraph 8(2)(a) of Schedule 1 by substituting a new reference to the list of sections of the 2003 Act which will continue to apply to prisoners transferred from England and Wales to Scotland, with the effect that section 246 (power to release prisoners on licence before required to do so) and section 253 (curfew condition to be included in licence under section 246) of that Act will now continue to apply to a prisoner transferred from England and Wales to Scotland on a restricted basis under the 1997 Act; and
- (b) paragraph (b) amends paragraph 8(4)(a) of Schedule 1 with the effect that section 253 (curfew condition to be included in licence under section 246) of the 2003 Act will now continue to apply to a prisoner whose supervision is transferred from England and Wales to Scotland on a restricted basis.

Article 3 extends the amendments made to paragraphs 10 and 11 of Schedule 1 to the 1997 Act by section 21(8) of the 2005 Act to England and Wales and Northern Ireland as well as Scotland. The effect of extending this provision is that sections 1AA (release of certain sexual offenders) and 3AA (further powers to release prisoners) of the 1993 Act (both of which were inserted into the 1993 Act by the 2005 Act) will continue to apply to prisoners whose sentences and/or supervision are transferred from Scotland to England and Wales or Northern Ireland.

Article 4 amends Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) by inserting a reference to a chief officer of a community justice authority appointed under section 4(2) of the 2005 Act (community justice authorities are established under section 3(1) of the 2005 Act). The effect of this amendment is that such officers are disqualified from becoming members of the House of Commons.