

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* Custodial Sentences and Weapons (Scotland) Act 2007, Cross Heading: Criminal Procedure (Scotland) Act 1995 (c. 46) is up to date with all changes known to be in force on or before 26 July 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) View outstanding changes

PROSPECTIVE

## SCHEDULE 4 **S** MINOR AND CONSEQUENTIAL AMENDMENTS

### *Criminal Procedure (Scotland) Act 1995 (c. 46)*

- 1 (1) Section 167 of the 1995 Act (forms of finding and sentence in summary proceedings) is amended as follows.
- (2) In subsection (7)—
- (a) paragraph (a) and the word “or immediately following it are repealed,
  - (b) for the words “previous sentence for a term or order” substitute “ period mentioned in subsection (7D) below ”, and
  - (c) for the words “later conviction or order” substitute “ order mentioned in paragraph (b) of this subsection ”.
- (3) After subsection (7C), insert—
- “(7D) The periods are—
- (a) any previous custody-only sentence,
  - (b) the custody part of any previous custody and community sentence,
  - (c) any previous sentence for a term passed by a court in any part of the United Kingdom outwith Scotland,
- following on conviction or any previous order for committal in default of payment of any sum of money or for contempt of court.
- (7E) In subsection (7D) above, “custody and community sentence”, “custody-only sentence” and “custody part” have the meanings given by section 4(1) of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17).”.
- 2 In section 204A of the 1995 Act (restriction on consecutive sentences for released prisoners), for the words from “at” to the end of the section substitute “ on licence by virtue of Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17). ”.
- 3 (1) Section 210A of the 1995 Act (extended sentences for sex and violent offenders) is amended as follows.
- (2) In subsection (1)(b), before “licence” insert “ community ”.
- (3) In subsection (2)—
- (a) in paragraph (a), for “custodial” substitute “ confinement ”,
  - (b) in paragraph (b), before “licence” insert “ community ”.
- (4) In subsection (6), for “custodial” substitute “ confinement ”.
- (5) In subsection (10), for the words from “ “licence”” to “1993” substitute—
- ““community licence” has the same meaning as in Part 2 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17);

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“relevant officer”, in relation to a local authority, means an officer of that authority employed by them in the discharge of their functions under section 27(1) of the Social Work (Scotland) Act 1968 (supervision and care of persons put on probation or released from prison etc.);”.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29A inserted by [2010 asp 13 s. 18\(6\)](#)
- s. 42A inserted by [2010 asp 13 Sch. 3 para. 6](#)
- s. 45(1)(za)(zb) inserted by [2010 asp 13 Sch. 3 para. 7\(2\)](#)
- s. 46A inserted by [2010 asp 13 s. 18\(7\)](#)
- s. 47(3A) inserted by [2010 asp 13 s. 18\(8\)\(c\)](#)
- s. 47(8)(a)(b) substituted for words by [2010 asp 13 s. 18\(8\)\(e\)](#)
- s. 51(1A) inserted by [2010 asp 13 Sch. 3 para. 9\(3\)](#)
- Sch. 2 para. 1(4) added by [2010 asp 13 Sch. 3 para. 13\(3\)\(c\)](#)
- Sch. 2 para. 7(1A) inserted by [2010 asp 13 Sch. 3 para. 13\(8\)](#)
- Sch. 3 para. 2A inserted by [2010 asp 13 Sch. 3 para. 14\(3\)](#)
- Sch. 3 para. 3(3) inserted by [2010 asp 13 Sch. 3 para. 14\(4\)\(b\)](#)
- Sch. 3 para. 3A inserted by [2010 asp 13 Sch. 3 para. 14\(5\)](#)
- Sch. 3 para. 5(4A) inserted by [2010 asp 13 Sch. 3 para. 14\(6\)\(d\)](#)
- Sch. 3 para. 5(6) inserted by [2010 asp 13 Sch. 3 para. 14\(6\)\(e\)](#)