

*Status: Point in time view as at 13/12/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Paragraph 5. (See end of Document for details)*

## SCHEDULE 4 CONVICTIONS BY COURTS IN OTHER EU MEMBER STATES: MODIFICATIONS OF ENACTMENTS

### PART 1

#### THE 1995 ACT

##### *The 1995 Act*

- 5 In section 204 (restrictions on passing sentence of imprisonment or detention)—
- (a) in each of subsections (1) and (2), after “United Kingdom” insert “ or in another member State of the European Union ”, and
  - (b) after subsection (4) insert—
    - “(4A) The court shall, for the purpose of determining whether a person has been previously sentenced to imprisonment or detention by a court in a member State of the European Union other than the United Kingdom—
      - (a) disregard any previous sentence of imprisonment which, being the equivalent of a suspended sentence, has not taken effect;
      - (b) construe detention as meaning an equivalent sentence to any of those mentioned in subsection (4)(b).
    - (4B) Any issue of equivalence arising in pursuance of subsection (4A) is for the court to determine.”.

#### **Commencement Information**

**II** Sch. 4 para. 5 in force at 13.12.2010 by S.S.I. 2010/413, art. 2, Sch. (with Sch.)

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