



# Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

## PART 2

### CONFINEMENT AND RELEASE OF PRISONERS

PROSPECTIVE

#### CHAPTER 4

##### CURFEW LICENCES

#### 47 Curfew licences

- (1) Subsection (2) applies in relation to a custody and community prisoner who—
  - (a) is serving a sentence of imprisonment for a term of 3 months or more, and
  - (b) is of a description specified by the Scottish Ministers by order.
- (2) The Scottish Ministers may release the prisoner on licence (a “curfew licence”) before the expiry of the custody part of the prisoner's sentence.
- (3) A curfew licence must include a curfew condition.
- (4) The Scottish Ministers may release a prisoner on curfew licence only—
  - (a) after the later of—
    - (i) the day on which the prisoner has served the greater of one-quarter or four weeks of the prisoner's sentence, or
    - (ii) the day falling 135 days before the expiry of the custody part of the sentence, and
  - (b) before the day falling 14 days before the expiry of the custody part.
- (5) In determining whether to release a prisoner on curfew licence, the Scottish Ministers must have regard to the need to—

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

*Changes to legislation: Custodial Sentences and Weapons (Scotland) Act 2007, Chapter 4 is up to date with all changes known to be in force on or before 09 August 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*

- (a) protect the public at large,
  - (b) prevent re-offending by the prisoner, and
  - (c) secure the successful re-integration of the prisoner into the community.
- (6) The Scottish Ministers may include in a curfew licence such other conditions as they consider appropriate.
- (7) Where a prisoner is released on curfew licence, the prisoner must, while the licence is in force, comply with the conditions included in the licence.
- (8) A curfew licence remains in force until the expiry of the custody part of the prisoner's sentence.
- (9) An order under subsection (1)(b) may include provision—
- (a) applying provisions of this Part to curfew licences subject to modifications specified in the order,
  - (b) amending the periods of time mentioned in subsection (4).

#### Modifications etc. (not altering text)

- C1 Pt. 2 power to modify conferred (24.9.2012) by [Criminal Cases \(Punishment and Review\) \(Scotland\) Act 2012 \(asp 7\)](#), **ss. 2(2)**, 5(2); S.S.I. 2012/249, art. 2

## 48 Curfew conditions

- (1) A curfew condition is a condition which requires the person to whom it relates to remain at a place specified in the condition for periods so specified.
- (2) A curfew condition may—
- (a) require the person not to be in a place, or class of place, so specified at a time or during a period so specified,
  - (b) specify different places, or different periods, for different days.
- (3) A curfew condition may not specify periods which amount to less than nine hours in any one day (excluding the first and last days of the period for which the condition is in force).

## <sup>F1</sup>49 Monitoring of curfew conditions

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#### Textual Amendments

- F1 [S. 49](#) repealed (17.5.2022) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), s. 63(2), **sch. 1 para. 10(2)**; S.S.I. 2022/94, reg. 2(2)(l) (with reg. 1(2))

**Status:**

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**Changes to legislation:**

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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\(6\)\(e\)](#)