

2008 No. 21 (C. 2)

CRIMINAL LAW

**The Management of Offenders etc. (Scotland) Act 2005
(Commencement No. 4) Order 2008**

Made - - - -

28th January 2008

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 24(2) and (3) of the Management of Offenders etc. (Scotland) Act 2005(a).

Citation

1. This Order may be cited as the Management of Offenders etc. (Scotland) Act 2005 (Commencement No. 4) Order 2008.

Commencement

2.—(1) The following provisions of the Management of Offenders etc. (Scotland) Act 2005 come into force on 11th February 2008—

- (a) section 15(5), insofar as it inserts a new section 3AA(6) into the Prisoners and Criminal Proceedings (Scotland) Act 1993(b);
- (b) section 15(10), insofar as it inserts new sections 12AA(3) to (5) into the Prisoners and Criminal Proceedings (Scotland) Act 1993.

(2) Insofar as not already commenced, sections 15(4), 15(5), 15(6) and 15(8) to (13) of the Management of Offenders etc. (Scotland) Act 2005 come into force on 21st March 2008.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew's House,
Edinburgh
28th January 2008

(a) 2005 asp 14.
(b) 1993, c.9.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order (Article 2) brings into force certain provisions in section 15 of the Management of Offenders etc. (Scotland) Act 2005 (asp 14) (“the 2005 Act”).

Section 15 of the 2005 Act inserts a number of sections and other provisions into the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9) (“the 1993 Act”) relating to the release on licence and recall of certain prisoners, including new sections 3AA, 12AA and 12AB.

Section 3AA(1) of the 1993 Act gives the Scottish Ministers a power to release on licence certain prisoners for a period before the date on which they would have served half of their sentence. The power applies in respect of (a) short-term prisoners serving a sentence of three months or more; or (b) long-term prisoners whose release on having served one-half of their sentence has been recommended by the Parole Board. The relevant provisions have already been brought into force in relation to short-term prisoners. This Order brings into force the relevant provisions in relation to long-term prisoners.

Any licence granted under section 3AA(1) of the 1993 Act must include certain standard conditions as prescribed by order under section 12AA(3) of that Act as well as a curfew condition under section 12AB of that Act which will require the released person to remain at a place specified in the licence for a minimum of 9 hours each day. Compliance with the curfew condition will be monitored remotely.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2005 Act have been brought into force by commencement order made before the date of this Order:–

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 3(1),(3),(4),(11),(12),(23),(24) and (25); 12; 15(1) to (3), (7), (10) (partially) and (14); 16; 18; 21(1)(a)(ii), (1)(b) and (c), (4), (5), (8) and (10)	8th February 2006	2006/48
Sections 1;2;3(2),(5)(a),(d),(f) to (h), (8), (9), (13) to (17), (20)(b), (21) and (22); 4; 5(1)(a), (2) to (4); 6 to 9; 21(1)(a)(i),(2), (3), (7), (9), (11) and (12)	3rd April 2006	2006/48
Sections 14 and 19	20th June 2006	2006/331
Sections 15(4) to (6), (8) and (9) (partially), (10) (insofar as not already commenced) and (11) to (13) (partially)	3rd July 2006	2006/331
Section 10(3) (partially)	1st December 2006	2006/545
Sections 3 and 5 (insofar as not already commenced); 10(1)(a), (2)(a), (3) (insofar as not already commenced), (4) to (10), (11)(c) and (d) and (12) to 14); 11 and 21(6)	2nd April 2007	2006/545

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