



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *Imprisonment, etc.*

#### **209 Supervised release orders.**

- (1) Where a person is convicted [<sup>F1</sup>on indictment]of an offence [<sup>F1</sup>, other than a sexual offence within the meaning of section 210A of this Act,]and is sentenced to imprisonment for a term of <sup>F2</sup>. . . less than four years, the court on passing sentence may, if it considers that it is necessary to do so to protect the public from serious harm from the offender on his release, make such order as is mentioned in subsection (3) below.
- (2) A court shall, before making an order under subsection (1) above, consider a report by a relevant officer of a local authority about the offender and his circumstances and, if the court thinks it necessary, hear that officer.
- (3) The order referred to in subsection (1) above (to be known as a “supervised release order”) is that the person, during a relevant period—
  - (a) be under the supervision either of a relevant officer of a local authority or of [<sup>F3</sup>an officer of a local probation board] appointed for or assigned to a petty sessions area (such local authority or the justices for such area to be designated under section 14(4) or 15(1) of the <sup>M1</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993);
  - (b) comply with;
    - (i) such requirements as may be imposed by the court in the order; and
    - (ii) such requirements as that officer may reasonably specify,for the purpose of securing the good conduct of the person or preventing, or lessening the possibility of, his committing a further offence (whether or not an offence of the kind for which he was sentenced); and

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*Status: Point in time view as at 01/02/2005. This version of this provision has been superseded.*

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- (c) comply with the standard requirements imposed by virtue of subsection (4)(a)(i) below.
- (4) A supervised release order—
- (a) shall—
    - (i) without prejudice to subsection (3)(b) above, contain such requirements (in this section referred to as the “standard requirements”); and
    - (ii) be as nearly as possible in such form, as may be prescribed by Act of Adjournal;
  - (b) for the purposes of any appeal or review constitutes part of the sentence of the person in respect of whom the order is made; and
  - (c) shall have no effect during any period in which the person is subject to a licence under Part I of the said Act of 1993.
- (5) Before making a supervised release order as respects a person the court shall explain to him, in as straightforward a way as is practicable, the effect of the order and the possible consequences for him of any breach of it.
- (6) The clerk of the court by which a supervised release order is made in respect of a person shall—
- (a) forthwith send a copy of the order to the person and to the Secretary of State; and
  - (b) within seven days after the date on which the order is made, send to the Secretary of State such documents and information relating to the case and to the person as are likely to be of assistance to a supervising officer.
- (7) In this section—
- “relevant officer” has the same meaning as in Part I of the <sup>M2</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993;
- “relevant period” means such period as may be specified in the supervised release order, being a period—
- (a) not exceeding twelve months after the date of the person’s release; and
  - (b) no part of which is later than the date by which the entire term of imprisonment specified in his sentence has elapsed; and
- “supervising officer” means, where an authority has or justices have been designated as is mentioned in subsection (3)(a) above for the purposes of the order, any relevant officer or, as the case may be, [<sup>F4</sup>officer of a local probation board] who is for the time being supervising for those purposes the person released.
- [<sup>F5</sup>(7A) Where a person—
- (a) is serving a sentence of imprisonment and on his release from that sentence will be subject to a supervised release order; and
  - (b) is sentenced to a further term of imprisonment, whether that term is to run consecutively or concurrently with the sentence mentioned in paragraph (a) above,
- the relevant period for any supervised release order made in relation to him shall begin on the date when he is released from those terms of imprisonment; and where there is more than one such order he shall on his release be subject to whichever of them is for the longer or, as the case may be, the longest period.]

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- (8) This section applies to a person sentenced under section 207 of this Act as it applies to a person sentenced to a period of imprisonment.

#### Extent Information

- E1** S. 209(3)and(7) extend to G.B., see s. 309(4)

#### Textual Amendments

- F1** Words in s. 209(1) inserted (30.9.1998) by 1998 c. 37, s. 86(2)(a)(b); S.I. 1998/2327, art. 2(1)(s) (subject to arts. 5-8)
- F2** Words in s. 209(1) repealed (30.9.1998) by 1998 c. 37, ss. 86(2)(c), 120(2), Sch. 10; S.I. 1998/2327, art. 2(1)(s)(aa)(3)(w) (subject to arts. 5-8)
- F3** Words in s. 209(3)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, Sch. 7 para. 4(1)(a)(2); S.I. 2001/919, art. 2(f)(ii)
- F4** Words in s. 209(7) substituted (1.4.2001) by 2000 c. 43, s. 74, Sch. 7 para. 121; S.I. 2001/919, art. 2(f)(ii)
- F5** S. 209(7A) inserted (1.4.1999) by 1997 c. 48, s. 62(1), Sch. 1 para. 21(26)S.I. 1999/652, art. 2, Sch. (subject to savings and transitional provisions in art. 3)

#### Marginal Citations

- M1** 1993 c.9.
- M2** 1993 c.9.

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