



Crime and Punishment (Scotland) Act 1997

CHAPTER 48

CRIME AND PUNISHMENT (SCOTLAND) ACT 1997

PART I

SENTENCING

Automatic sentences

- 1 Imprisonment for life on further conviction for certain offences
- 2 Minimum sentence for third conviction of certain offences relating to drug trafficking
- 3 Meaning of “conviction”
- 4 Imposition of supervised release orders on conviction of qualifying offence

Restriction of liberty orders

- 5 Restriction of liberty orders

Mentally disordered offenders

- 6 Disposal in cases of mentally disordered offenders
- 7 Effect of hospital direction
- 8 Remand of persons suffering from mental disorder to private hospital
- 9 Power to specify hospital unit
- 10 Medical evidence in relation to mentally disordered offenders
- 11 Increase in maximum period of interim hospital orders
- 12 Sentence calculation where remand spent in hospital

Increases in sentencing powers and penalties

- 13 Increase in sentences available to sheriff and district courts
- 14 Increase in maximum penalty for certain sexual offences

Powers of court to disqualify from driving

- 15 Driving disqualifications

Miscellaneous

- 16 Designated life prisoners

PART II

CRIMINAL PROCEDURE

Appeals

- 17 Right of appeal
- 18 Automatic sentences: jurisdiction and appeals
- 19 Appeal against automatic sentence where earlier conviction quashed
- 20 Transfer of rights of appeal of deceased person
- 21 Increased rights of appeal of prosecutor
- 22 Appeal by prosecutor against hospital orders etc
- 23 Appeals against orders under section 49 of the 1995 Act
- 24 Suspension of certain sentences pending determination of appeal

The Scottish Criminal Cases Review Commission

- 25 Scottish Criminal Cases Review Commission

Evidential provisions

- 26 Evidence concerning certain orders
- 27 Proof of age
- 28 Evidence from certain official documents
- 29 Evidence of vulnerable persons: special provisions
- 30 Routine evidence
- 31 Previous convictions in solemn proceedings
- 32 Supervision and care of persons diverted from prosecution or subject to supervision requirement

PART III

PRISONERS

CHAPTER I

EARLY RELEASE

Early release

- 33 Application of provisions with respect to early release
- 34 Early release
- 35 Prisoners held on remand
- 36 Amendments to 1989 Act
- 37 Suspension of period of early release

- 38 Commission of offence within certain period of release from prison to be aggravation

Application of early release provisions in certain cases

- 39 Fine defaulters and persons convicted of contempt of court
40 Persons liable to removal from the United Kingdom
41 Mentally disordered offenders

CHAPTER II

TREATMENT OF PRISONERS

- 42 Testing of prisoners for alcohol
43 Medical services in prisons
44 Unlawful disclosure of information

PART IV

POLICE

Police funding and organisation

- 45 Police grant
46 Common police services

Collection and use of records

- 47 Record of evidence taken from external parts of body
48 Samples etc. from persons convicted of sexual and violent offences

PART V

CRIMINAL LEGAL ASSISTANCE

- 49 Criminal legal assistance

Employment of solicitors

- 50 Employment of solicitors in relation to criminal legal assistance

Fixed payments for criminal legal assistance

- 51 Fixed payments
52 Contracts for the provision of criminal legal assistance

Powers of investigation

- 53 Power of investigation of Scottish Legal Aid Board
54 Regulations in relation to criminal legal assistance

PART VI

MISCELLANEOUS AND GENERAL

Miscellaneous

- 55 Liberation of child by police

- 56 Powers of the court on remand or committal of children and young persons
- 57 Precognitions
- 58 Information concerning jurors
- 59 Certification of previous convictions in criminal proceedings
- 60 Grants for forensic medical services
- 61 Confiscation of alcohol from persons under 18

General

- 62 Minor and consequential amendments, and repeals
- 63 Financial provisions
- 64 Interpretation
- 65 Short title, commencement and extent

SCHEDULES

SCHEDULE 1 — Minor and Consequential Amendments

The Public Records Act 1958 (c. 51)

- 1 In the First Schedule to the Public Records Act 1958...

The Police (Scotland) Act 1967 (c. 77)

- 2 (1) The Police (Scotland) Act 1967 shall be amended in...

The Firearms Act 1968 (c. 27)

- 3 In section 51 of the Firearms Act 1968 (penalties for...

The Superannuation Act 1972 (c. 11)

- 4 In Schedule 1 to the Superannuation Act 1972 (kinds of...

The House of Commons Disqualification Act 1975 (c. 24)

- 5 In the House of Commons Disqualification Act 1975, in Part...

The Sexual Offences (Scotland) Act 1976 (c. 67)

- 6 (1) The Sexual Offences (Scotland) Act 1976 shall cease to...

The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)

- 7 In Part I of Schedule 1 to the Law Reform...

The Criminal Justice (Scotland) Act 1980 (c. 62)

- 8 In section 3D(1)(b) of the Criminal Justice (Scotland) Act 1980...

The Mental Health (Scotland) Act 1984 (c. 36.)

- 9 (1) The Mental Health (Scotland) Act 1984 shall be amended...

Status: This is the original version (as it was originally enacted).

The Repatriation of Prisoners Act 1984 (c. 47)

10 (1) The Repatriation of Prisoners Act 1984 shall be amended...

The Foster Children (Scotland) Act 1984 (c. 56)

11 In section 13 of the Foster Children (Scotland) Act, for...

The Legal Aid (Scotland) Act 1986 (c. 47)

12 (1) The Legal Aid (Scotland) Act 1986 shall be amended...

The Prisons (Scotland) Act 1989 (c. 45)

13 (1) The Prisons (Scotland) Act 1989 shall be amended in...

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)

14 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall...

The Criminal Justice and Public Order Act 1994 (c. 33)

15 In section 110 of the Criminal Justice and Public Order...

The Criminal Justice (Scotland) Act 1995 (c. 20)

16 Section 66 of the Criminal Justice (Scotland) Act 1995 shall...

The Children (Scotland) Act 1995 (c. 36)

17 In Schedule 4 to the Children (Scotland) Act 1995, paragraph...

The Criminal Law (Consolidation)(Scotland) Act 1995 (c. 39)

18 (1) The Criminal Law (Consolidation) (Scotland) Act 1995 shall be...

The Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 (c. 40)

19 (1) The Criminal Procedure (Consequential Provisions)(Scotland) Act 1995 shall be...

The Proceeds of Crime (Scotland) Act 1995 (c. 43)

20 In section 42(1) of the Proceeds of Crime (Scotland) Act...

The Criminal Procedure (Scotland) Act 1995 (c. 46.)

21 (1) The 1995 Act shall be amended as follows.

SCHEDULE 2 — Transitional provisions with respect to early release

- 1 (1) In this Schedule— “existing provisions” means the provisions relating...
- 2 Where, by virtue of the provisions of this Schedule, a...
- 3 For the purposes of this Schedule, where additional days have...
- 4 Where any combination of old and new sentences is to...
- 5 Where a single sentence is passed in respect of a...
- 6 Subject to paragraph 8 below, where a new sentence is...
- 7 Where, in a case to which paragraph 6(b) above applies,...
- 8 Where a new sentence is to run consecutively to an...

Status: This is the original version (as it was originally enacted).

- 9 Where any combination of old and new sentences is to...
- 10 Where any combination of old and new sentences is to...
- 11 In calculating a licence period for the purposes of paragraphs...
- 12 Where a prisoner serving an old sentence of four years...
- 13 Where an old sentence is to run consecutively to a...
- 14 Where any combination of old and new sentences is to...
- 15 If, by virtue of paragraph 14 above, the prisoner is...
- 16 (1) This paragraph applies where a prisoner who is being...

SCHEDULE 3 — Repeals