

Status: Point in time view as at 01/01/1998.

Changes to legislation: There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Cross Heading: The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9). (See end of Document for details)

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

E1 Sch. 1: amendments/repeals are coextensive with the enactments they affect see s. 65(7).

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

Commencement Information

II Sch. 1 para. 14 partly in force; Sch. 1 para. 14 not in force at Royal Assent see s. 65(2); Sch. 1 para. 14(1)(2)(b)(3)(a)-(d)(8)(10)(b)(11)(a)(18) in force at 20.10.1997 by S.I. 1997/2323, art. 3, Sch. 1

- 14 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall be amended in accordance with this paragraph.
- (2) In section 1 (release of prisoners)—
- (a) subsections (1) to (3) and (8) shall cease to have effect; and
 - (b) in subsection (4), for the word “discretionary” there shall be substituted the word “designated”.
- (3) In section 2 (duty to release discretionary life prisoners)—
- (a) in subsection (2)—
 - (i) for the words “subsection (1)(b)” there shall be substituted the words “subsection (1)”; and
 - (ii) before the word “life”, in both places where it occurs, there shall be inserted the word “designated”;
 - (b) in subsection (3), for the words “subsection (1)(a)” there shall be substituted the word “subsection (1)”; and
 - (c) for the word “relevant”, where it occurs in subsections (2), (8) and (9), there shall be substituted the word “designated”;
 - (d) for the word “discretionary” where it occurs in subsections (4), (6), (8) and (9) there shall be substituted the word “designated”; and
 - (e) in subsection (7), for paragraph (a) there shall be substituted the following paragraph—
 - “(a) where the prisoner is serving—
 - (i) a sentence of imprisonment for life; and
 - (ii) a sentence of imprisonment for a term of more than three months,

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before he has served five-sixths of the sentence mentioned in sub-paragraph (ii) above;”.

- (4) In section 3(2) (release on compassionate grounds), the words “any long-term prisoner or” shall cease to have effect.
- (5) Section 5 shall cease to have effect.
- (6) In section 6 (application of Act to young persons and children detained without limit of time), in subsection (1)—
- (a) paragraph (a) and the word “and” following that paragraph shall cease to have effect;
 - (b) in paragraph (b)(i) for the words “that Act” there shall be substituted the words “ the 1995 Act ”; and
 - (c) for the words “prisoners (whether short-term, long-term or life)” there shall be substituted the words “ life prisoners ”.
- (7) Sections 7 and 9 shall cease to have effect.
- (8) In section 10 (life prisoners transferred to Scotland)—
- (a) for subsection (1) there shall be substituted the following subsection—

“(1) In a case where a transferred life prisoner transferred from England and Wales (whether before or after the commencement of this enactment) is a life prisoner to whom section 28 of the ^{M1}Crime (Sentences) Act 1997 (duty to release certain life prisoners) applies, this Part of this Act except sections 1(4) and 2(9) shall apply as if—

 - (a) the prisoner were a designated life prisoner within the meaning of section 2 of this Act; and
 - (b) the designated part of his sentence within the meaning of that section were the relevant part specified in an order or direction made under the said section 28.”;
 - (b) in subsection (3)(a), for the word “discretionary” there shall be substituted the word “ designated ”;
 - (c) in subsection (3)(b), for the word “relevant” there shall be substituted the word “ designated ”;
 - (d) in subsection (5)(a), for the word “discretionary” there shall be substituted the word “ designated ”; and
 - (e) in subsection (5)(b), for the words “section 34 of the said Act of 1991” there shall be substituted the words “ the said section 28 of the ^{M2}Crime (Sentences) Act 1997 ”.
- (9) For section 11 (duration of licences) there shall be substituted the following section—

“11 Duration of licences.

- (1) Where a life prisoner is released on licence under this Part of this Act, the licence shall (unless revoked) remain in force until his death.
- (2) Without prejudice to any order under section 209 of the 1995 Act (supervised release orders), where a prisoner is released on licence under section 3(1) of this Act, the licence shall (unless revoked) remain in force until the date

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- on which, but for such release, he would have been released by virtue of section 34 of the Crime and Punishment (Scotland) Act 1997 (early release).
- (3) For the purposes of fixing the date mentioned in subsection (2) above, there shall be taken into account—
- (a) any early release days actually awarded to the prisoner under section 34 of that Act prior to his release; and
 - (b) the maximum number of such days which he could have been awarded had he remained in prison during the period when he was released on licence.”.
- (10) In section 12(3) (insertion, variation and cancellation of conditions in licences)—
- (a) the words “a long-term or” shall cease to have effect; and
 - (b) for the word “discretionary” there shall be substituted the word “ designated ”.
- (11) In section 14 (supervised release orders)—
- (a) in subsection (2)—
 - (i) the words from the beginning to “209(1) of the 1995 Act” shall cease to have effect; and
 - (ii) after the words “prison in Scotland” there shall be inserted the words “ under Schedule 1 to the ^{M3}Crime (Sentences) Act 1997 in an unrestricted transfer within the meaning of that Schedule ”; and
 - (b) in subsection (4), the words “short-term” shall cease to have effect.
- (12) Section 16 shall cease to have effect.
- (13) In section 17(1) (revocation of licence)—
- (a) in paragraph (a), the words “long-term or”; and
 - (b) paragraph (b),
- shall cease to have effect.
- (14) In section 20 (the Parole Board for Scotland), in subsection (3), paragraphs (a) and (b) and the word “and” following those paragraphs shall cease to have effect.
- (15) Section 24 shall cease to have effect.
- (16) In section 27 (interpretation)
- (a) in subsection (1)—
 - (i) the definitions of “short-term prisoner” and “long-term prisoner” shall cease to have effect; and
 - (ii) in the definition of “supervised release order” the words “(as inserted by section 14 of this Act)” and the words from “but” to the end shall cease to have effect; and
 - (b) subsections (2), (3), (5) and (6) shall cease to have effect.
- (17) Schedule 1 shall cease to have effect.
- (18) In Schedule 6 (transitional provisions and savings)—
- (a) for the word “relevant” in each place where it occurs in paragraph 6(2) and (3) and 6A(2) , there shall be substituted the word “ designated ”; and
 - (b) for the word “discretionary” in each place where it occurs in paragraphs 6, 6A(2) and 7, there shall be substituted the word “ designated ”.

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Marginal Citations

M1 1997 c.43.

M2 1997 c. 43.

M3 1997 c.43.

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