



Crime and Punishment (Scotland) Act 1997

1997 CHAPTER 48

PART I

SENTENCING

Automatic sentences

4 Imposition of supervised release orders on conviction of qualifying offence

(1) Section 209 of the 1995 Act (supervised release orders) shall be amended in accordance with this section.

(2) For subsection (1) there shall be substituted the following subsections—

“(1) Where a person is convicted of an offence and is sentenced to imprisonment for a determinate term, the court on passing sentence—

(a) subject to subsection (1A) below, where the conviction is in proceedings on indictment for an offence which is a qualifying offence within the meaning of section 205A of this Act, shall; and

(b) in any other case, if it considers that it is necessary to do so to protect the public from serious harm from the offender, may,

make such an order as is mentioned in subsection (3) below.

(1A) Notwithstanding paragraph (a) of subsection (1) above, if the court is of the opinion that there are exceptional circumstances which justify its not making a supervised release order, the court may decline to make such an order.”.

(3) In subsection (7), for the definition of “relevant period” there shall be substituted the following definition—

““relevant period” means such period as may be specified in the order, being, where a supervised release order is imposed—

Status: This is the original version (as it was originally enacted).

- (i) in a case such as is referred to in subsection (1)(b) above, or following conviction on indictment for one of the offences mentioned in paragraphs 1, 2, 6(a), 7 or 8 of Schedule 5A to this Act, such period as is mentioned in subsection (9)(a) below;
 - (ii) following conviction on indictment for one of the offences mentioned in paragraphs 3, 4, 5, 6(b), 9 or 10 of Schedule 5A to this Act, such period as is mentioned in subsection (9)(b) below;”.
- (4) In subsection (8) after the words “section 207” there shall be inserted the words “or 208”.
- (5) After subsection (8) there shall be inserted the following subsections—
 - “(9) Subject to subsection (11) below, the periods referred to in the definition of “relevant period” in subsection (7) above are—
 - (a) a period, beginning on the day on which the person is released—
 - (i) of not less than three months; and
 - (ii) not exceeding whichever is the greater of two years or one quarter of the full sentence of imprisonment from which the person is being released; and
 - (b) a period, beginning on the day on which the person is released—
 - (i) of not less than three months; and
 - (ii) not exceeding ten years.
 - (10) For the purposes of this section “court” does not include a district court except where constituted by a stipendiary magistrate.
 - (11) No court may impose a supervised release order for a period longer than the maximum period of imprisonment which that court may impose for a common law offence.”.