



Crime and Disorder Act 1998

1998 CHAPTER 37

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

109 Transitional provisions in relation to certain life prisoners.

- (1) Section 16 of the ^{M1}Crime and Punishment (Scotland) Act 1997 (designated life prisoners) shall have effect and shall be deemed always to have had effect with the amendments made by subsections (2) and (3) below.
- (2) In subsection (2), at the beginning there shall be inserted the words “Except in a case to which subsection (3A) or (3B) below applies,”.
- (3) After subsection (3) there shall be inserted the following subsections—
 - “(3A) This subsection applies in a case where a person—
 - (a) was sentenced, prior to 20 October 1997, in respect of a murder committed by him before he attained the age of 18 years; and
 - (b) has been released on licence, other than under section 3 of the 1993 Act, whether before or on that date.
 - (3B) This subsection applies in a case where a person—
 - (a) was sentenced, prior to 20 October 1997, in respect of a murder committed by him before he attained the age of 18 years; and
 - (b) has been released on licence, other than under section 3 of the 1993 Act, after that date without his case having been considered under subsection (2) above.
 - (3C) In a case to which subsection (3A) or (3B) applies, Part I of the 1993 Act shall apply as if the person were a designated life prisoner, within the meaning of section 2 of that Act, whose licence had been granted under subsection (4) of that section on his having served the designated part of his sentence.”

Status: Point in time view as at 31/07/1998.

Changes to legislation: *Crime and Disorder Act 1998, Section 109 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) Where, prior to the commencement of this section, a certificate has been issued under subsection (2) of section 16 of the ^{M2}Crime and Punishment (Scotland) Act 1997 in respect of a case to which subsection (3A) of that section applies, the certificate shall be disregarded.

Marginal Citations

M1 1997 c.48.

M2 1997 c.48.

Status:

Point in time view as at 31/07/1998.

Changes to legislation:

Crime and Disorder Act 1998, Section 109 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.