



Convention Rights (Compliance) (Scotland) Act 2001

2001 asp 7

CONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001

PART 1

PRISONERS AND PAROLE

- 1 Release of life prisoners
- 2 Amendment of Criminal Procedure (Scotland) Act 1995
- 3 Amendment of provisions relating to transferred life prisoners
- 4 Transitional provisions

PART 2

CONSTITUTION OF PAROLE BOARD FOR SCOTLAND

- 5 Appointment and removal of Parole Board members

PART 3

LEGAL AID

- 6 Extension of advice and assistance and civil legal aid under Legal Aid (Scotland) Act 1986
- 7 Fixed payments for criminal legal assistance: exceptional cases
- 8 Criminal legal assistance: retrospective revision of fixed payments regulations
- 9 Employment of solicitors by Scottish Legal Aid Board: further provisions

PART 4

HOMOSEXUAL OFFENCES

- 10 Repeal of section 13(2)(a) of the Criminal Law (Consolidation) (Scotland) Act 1995

PART 5

PROCURATOR FISCAL OF THE LYON COURT

- 11 Appointment of procurator fiscal of the Lyon Court

PART 6

POWER TO MAKE REMEDIAL ORDERS

- 12 Remedial orders
 13 Procedure for remedial orders: general
 14 Procedure for remedial orders: urgent cases

PART 7

GENERAL PROVISIONS

- 15 Short title and commencement

SCHEDULE — TRANSITIONAL PROVISIONS

PART 1 — EXISTING LIFE PRISONERS

- 1 This Part of this schedule applies to a life prisoner—...
 2 In this Part of this schedule— “existing life prisoner” means...
 3 The Scottish Ministers shall, as soon as reasonably practicable after...
 4 The Scottish Ministers shall not so refer the case of...
 5 The Scottish Ministers shall not refer the case of an...
 6 The Scottish Ministers shall not so refer the case of...
 7 An existing life prisoner to whom Part 3 of this...
 7A In the case of a prisoner to whom paragraph 6...
 8 Notwithstanding paragraph 3 above, an existing life prisoner—
 9 The Scottish Ministers shall, no later than two weeks after...
 10 The documents and other information referred to in paragraph 9...
 11 A report prepared by the trial judge—
 12 There shall be a hearing, at which the High Court...
 13 That order is an order specifying a part of the...
 14 It shall not be a ground of appeal in relation...
 15 The court shall pronounce the order under paragraph 12 above...
 16 If the court is satisfied that the existing life prisoner...
 17 If the Scottish Ministers are satisfied that the prisoner is...
 18 Nothing in this Part of this schedule shall be taken...
 19 Where the court has made an order under paragraph 12...
 20 Section 2 of the 1993 Act as amended by this...
 21 A hearing under paragraph 12 above shall be criminal procedure...
 22 The court, in considering the case of an existing life...
 23 In the case of an existing life prisoner—
 24 The references in sub-paragraphs (a) and (b) of paragraph 23...
 25 An existing life prisoner who, before the relevant date, has...
 26 Where an existing life prisoner released on licence is treated...

PART 2 — EXISTING DESIGNATED LIFE PRISONERS

- 27 This Part of this schedule applies to a life prisoner...
 28 In this Part of this schedule— “life prisoner” and “punishment...
 29 Part 1 of the 1993 Act, as amended by this...

- 30 In the case of an existing designated life prisoner—
PART 3 — EXISTING LIFE PRISONERS RECOMMENDED FOR
RELEASE
- 31 This Part of this schedule applies to an existing life...
32 In this Part of this schedule— “existing life prisoner” means...
33 If the Scottish Ministers have fixed a provisional release date...
34 If, however, the Scottish Ministers, having regard to the need...
35 Such a review as is referred to in paragraph 34...
36 The Parole Board shall carry out such a review as...
37 On such a review, the Parole Board shall either—
38 Notwithstanding that the Parole Board has made a direction under...
39 Where the Parole Board has made a direction under paragraph...
40 Notwithstanding that the Parole Board has made a direction under...
41 If the Scottish Ministers have not fixed a provisional release...
42 If, however, the Scottish Ministers, having regard to the need...
43 No such reference shall be made after the expiry of...
44 The consideration and disposal of such a reference is, for...
45 The Parole Board shall carry out such a review as...
46 On such a reference, the Parole Board shall either—
47 Notwithstanding that the Parole Board has made a direction under...
48 Where the Parole Board has made a direction under paragraph...
PART 4 — TRANSFERRED LIFE PRISONERS
- 49 This Part of this schedule applies to—
49A This Part of this schedule also applies to—
50 In this Part of this schedule— “existing transferred life prisoner”...
51 The Scottish Ministers shall, as soon as reasonably practicable after...
52 The Scottish Ministers shall not so refer the case of...
53 The Scottish Ministers shall not so refer the case of...
54 An existing transferred life prisoner such as is mentioned in...
55 Notwithstanding paragraph 51 above, an existing transferred life
prisoner—
56 The Scottish Ministers shall, no later than two weeks after...
57 The documents and other information referred to in paragraph 56...
58 A report prepared by the trial judge—
59 There shall be a hearing, at which the High Court...
60 That order is an order specifying a part of the...
61 It shall not be a ground of appeal in relation...
62 The court shall pronounce the order under paragraph 59 above...
63 If the court is satisfied that the existing transferred life...
64 If the Scottish Ministers are satisfied that the prisoner is...
65 Nothing in this Part of this schedule shall be taken...
66 Where the court has made an order under paragraph 59...
67 In the case of a prisoner to whom paragraph 53...
68 A hearing under paragraph 59 above shall be criminal procedure...
69 The court, in considering the case of an existing transferred...
70 In the case of an existing transferred life prisoner—
71 The references in sub-paragraphs (a) and (b) of paragraph 70...
72 An existing transferred life prisoner to whom paragraph 49(b) above...
73 Where such an existing transferred life prisoner released on licence...
74 Part 3 of this schedule applies to an existing transferred...
PART 5 — LIFE PRISONERS TRANSFERRED UNDER THE MENTAL
HEALTH ACTS
- 75 This Part of this schedule applies to a life prisoner—...

Changes to legislation: There are currently no known outstanding effects for the
Convention Rights (Compliance) (Scotland) Act 2001. (See end of Document for details)

- 76 In this Part of this schedule— “life prisoner” and “punishment...
- 77 Paragraphs 51 to 74 of Part 4 of this schedule...
- 78 Section 10(1) of the 1993 Act, as amended by this...
- PART 6 — EXISTING MEMBERS OF THE PAROLE BOARD
- 79 Subject to paragraphs 80 to 83 below, the modifications made...
- 80 Any period of appointment occurring prior to—
- 81 Any existing member whose current appointment proceeded upon
selection following...
- 82 An existing member whose current appointment proceeded otherwise
than as...
- 83 In this Part of this schedule— “existing member” means a...

Changes to legislation:

There are currently no known outstanding effects for the Convention Rights (Compliance) (Scotland) Act 2001.