



# Prisoners (Control of Release) (Scotland) Act 2015

2015 asp 8

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 23rd June 2015 and received Royal Assent on 4th August 2015**

An Act of the Scottish Parliament to amend the rules as to automatic early release of long-term prisoners from prison on licence and to allow prisoners serving all but very short sentences to be released from prison on a particular day suitable for their re-integration into the community.

## *Amendment of relevant Act*

### **1 Restriction on automatic early release**

(1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.

(2) In section 1—

(a) after subsection (1) there is inserted—

“(1A) Subsections (2) and (2A) apply as follows—

(a) subsection (2) applies in relation to a long-term prisoner who is serving a sentence imposed before the day on which section 1 of the Prisoners (Control of Release) Scotland Act 2015 comes into force,

(b) subsection (2A) applies in relation to a long-term prisoner who is—

(i) serving a sentence imposed on or after the day on which section 1 of the Prisoners (Control of Release) Scotland Act 2015 comes into force, and

(ii) not subject to an extended sentence within the meaning of section 210A of the 1995 Act.

(1B) For the purpose of subsection (1A), a sentence specified on appeal in substitution for a sentence imposed earlier is to be regarded as imposed when the earlier sentence was imposed.”,

(b) after subsection (2) there is inserted—

“(2A) As soon as a long-term prisoner has only 6 months of the prisoner’s sentence left to serve, the Scottish Ministers must release the prisoner on licence unless the prisoner has previously been so released in relation to that sentence under any provision of this Act.”.

## 2 Release timed to benefit re-integration

- (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.
- (2) After section 26B there is inserted—

### *“Timing of release*

#### **26C Release timed to benefit re-integration**

- (1) Where a prisoner is to be released by the Scottish Ministers, they may release the prisoner on a day that is earlier than the day on which the prisoner would otherwise fall to be released (but this is subject to subsections (2) and (3)).
- (2) The release of a prisoner may be brought forward under subsection (1) only if, in the Scottish Ministers’ opinion, it would be better for the prisoner’s re-integration into the community for the prisoner to be released on the earlier day than on the day on which the prisoner would otherwise fall to be released.
- (3) The release of a prisoner may not be brought forward under subsection (1) by more than 2 days.
- (4) In a case in which section 27(7) applies, a reference in this section to the day on which a prisoner would fall to be released is to the day on which the prisoner would fall to be released by virtue of that section.
- (5) This section does not apply in relation to a prisoner who is serving a sentence of imprisonment for a term of less than 15 days.”.

### *Commencement and short title*

## 3 Commencement

- (1) This section and section 4 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.
- (3) An order under subsection (2) bringing section 1 into force may amend section 1(1A) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 so that, instead of referring to the day on which section 1 comes into force, it specifies the date on which section 1 actually comes into force.

## 4 Short title

The short title of this Act is the Prisoners (Control of Release) (Scotland) Act 2015.