



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 4

PRISONERS ETC.

Release of prisoners

31 Release: prisoners serving extended sentences

In section 3A (re-release of prisoners serving extended sentences) of the 1993 Act—

- (a) in subsection (1)—
 - (i) at the beginning there is inserted “ Subject to subsection (1A) below,
”; and
 - (ii) for the words “who has been recalled to prison under section 17(1)” there is substituted “ and in respect of whom a licence has been revoked under section 17(1) to (1B) ”;
- (b) after subsection (1) there is inserted—

“(1A) This section does not apply to such a prisoner if he has, in addition to the sentence in relation to which his recall to prison applies, been sentenced to imprisonment for life and has not been released from that sentence.”;
- (c) in subsection (2), in paragraph (a), for the words “disposal of that referral” there is substituted “ Board’s disposal of his case ”;
- (d) after that subsection there is inserted—

“(2A) Where—

 - (a) a prisoner’s case has been referred to the Parole Board under this section or section 17(3) of this Act; and
 - (b) the prisoner receives another sentence of imprisonment before the Board has considered his case,

the Board shall not consider his case unless there is a further referral of his case to the Board under this section.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 2003, Section 31. (See end of Document for details)

- (2B) A case which, by virtue of subsection (2A) above, is not considered by the Parole Board shall not, for the purposes of subsection (2)(a) above, be treated as having been disposed of.”; and
- (e) in subsection (3)—
- (i) for the word “sentence” in the second place where it appears there is substituted “ term ”; and
 - (ii) for the words “has served one half of” there is substituted “ would be eligible to be released, or considered for release, from ”.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice (Scotland) Act 2003, Section 31.