



# Prisoners and Criminal Proceedings (Scotland) Act 1993

## 1993 CHAPTER 9

### PART I

#### DETENTION, TRANSFER AND RELEASE OF OFFENDERS

##### *Early release*

VALID FROM 03/07/2006

#### **[<sup>F1</sup>3AA Further powers to release prisoners**

- (1) Subject to subsections (2) to (5) below, the Scottish Ministers may release on licence under this section—
  - (a) a short-term prisoner serving a sentence of imprisonment for a term of three months or more; or
  - (b) a long-term prisoner whose release on having served one-half of his sentence has been recommended by the Parole Board.
- (2) The power in subsection (1) above is not to be exercised before the prisoner has served whichever is the greater of—
  - (a) one quarter of his sentence; and
  - (b) four weeks of his sentence.
- (3) Without prejudice to subsection (2) above, the power in subsection (1) above is to be exercised only during that period of 121 days which ends on the day 14 days before that on which the prisoner will have served one half of his sentence.
- (4) In exercising the power conferred by subsection (1) above, the Scottish Ministers must have regard to considerations of—
  - (a) protecting the public at large;

*Status: Point in time view as at 01/10/1993. This version of this provision is not valid for this point in time.*

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- (b) preventing re-offending by the prisoner; and
- (c) securing the successful re-integration of the prisoner into the community.

(5) Subsection (1) above does not apply where—

- (a) the prisoner's sentence was imposed under section 210A of the 1995 Act;
- (b) the prisoner is subject to a supervised release order made under section 209 of that Act;
- (c) the prisoner is subject to a hospital direction imposed under section 59A of that Act or a transfer for treatment direction made under section 136(2) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);
- (d) the prisoner is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42);
- (e) the prisoner is liable to removal from the United Kingdom (within the meaning of section 9 of this Act);
- (f) the prisoner has been released on licence under this Part of this Act or under the 1989 Act but—
  - (i) has been recalled to prison other than by virtue of section 17A(1) (b) of this Act; or
  - (ii) before the date on which he would but for his release have served his sentence in full, has received a further sentence of imprisonment; or
- (g) the prisoner has been released (whether or not on licence) during the currency of his sentence but has been returned to custody under section 16(2) or (4) of this Act.

(6) The Scottish Ministers may by order do any or all of the following—

- (a) amend the number of months for the time being specified in subsection (1) (a) above;
- (b) amend the number of weeks for the time being specified in subsection (2) (b) above;
- (c) amend a number of days for the time being specified in subsection (3) above;
- (d) amend any paragraph of subsection (5) above, add a further paragraph to that subsection or repeal any of its paragraphs.]

#### **Textual Amendments**

- F1** S. 3AA inserted after s. 3 (3.7.2006 for specified purposes, otherwise 21.3.2008) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), **ss. 15(5), 24(2)**; [S.S.I. 2006/331](#), **art 3(4)(5)**; [S.S.I. 2008/21](#), **art. 2(2)**

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