



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Release on licence, etc.

22 Release on licence of persons serving determinate sentences.

- (1) The Secretary of State may, if recommended to do so by the Parole Board, release on licence a person, who is serving a sentence of imprisonment, other than imprisonment for life, or a sentence of detention in a young offender institution imposed in England and Wales, after he has served not less than one-third of his sentence or the specified period, whichever expires the later.
- (2) In subsection (1) above, “the specified period” means 12 months or such period, not more than 12 months, as the Secretary of State may by order provide.
- (3) An order under subsection (2) above may make such incidental or supplementary provision (including provision amending enactments) as the Secretary of State considers appropriate.
- (4) Where a sentence of imprisonment for an offence has been passed on a person with an order under subsection (1) of section 47 of the ^{M1}Criminal Law Act 1977 (sentences partly suspended in England and Wales)—
 - (a) if the offender has not been released from prison since the sentence for the offence was passed, the only portion of that sentence that is to be taken into account for the purposes of subsection (1) of this section is any portion of it that he is required to serve in prison under subsection (1) or (3) of the said section 47; and
 - (b) if he is released from prison but part of his sentence for the offence is subsequently restored under subsection (3) of that section, he shall be treated for the purpose of subsection (1) of this section as if his only sentence for the offence were the part of his sentence so restored.
- (5) A person whose sentence falls to be reduced under section 67 of the ^{M2}Criminal Justice Act 1967 (sentences in England and Wales) shall, for the purpose of determining under subsection (1) above whether he has served one-third of his sentence, be treated as if any period spent in custody and taken into account under that section were included in his sentence and as if he had served that period as part of that sentence.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 22. (See end of Document for details)

- (6) A person subject to a licence under this section shall comply with such conditions, if any, as may for the time being be specified in the licence.
- (7) The Secretary of State shall consult the Parole Board before including on release, or subsequently inserting, a condition in a licence under this section or varying or cancelling any such condition; and for the purposes of this subsection the Secretary of State shall be treated as having consulted the Board about a proposal to include, insert, vary or cancel a condition in any case if he has consulted the Board about the implementation of proposals of that description generally or in that class of case.
- (8) A licence granted to any person under this section shall, unless previously revoked under section 62 of the Criminal Justice Act 1967 or section 28 of this Act, remain in force until a date specified in the licence, being the date on which he could have been discharged from prison on remission of part of his sentence under rules made under section 39 of this Act if, after the date of his release on licence, he had not forfeited remission of any part of the sentence under the rules.

Marginal Citations

M1 1977 c. 45.

M2 1967 c. 80.

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