



Prisoners and Criminal Proceedings (Scotland) Act 1993

CHAPTER 9

PRISONERS AND CRIMINAL PROCEEDINGS (SCOTLAND) ACT 1993

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Early release

- 1 Release of short-term, long-term and life prisoners.
- 1AA Release of certain sexual offenders
 - 1A Application to persons serving more than one sentence.
 - 2 Duty to release discretionary life prisoners.
- 2A Rules for section 2(2)(d) cases
- 2B Assessment under section 2A(1)(a) and (b)
- 3 Power to release prisoners on compassionate grounds.
- 3AA Further powers to release prisoners
 - 3A Re-release of prisoners serving extended sentences.
 - 4 Persons detained under Mental Health (Scotland) Act 1984.
 - 5 Fine defaulters and persons in contempt of court.
 - 6 Application to young offenders and to children detained without limit of time.
 - 7 Children detained in solemn proceedings.
- 8 Detention, Transfer and Release of Offenders
- 9 Persons liable to removal from the United Kingdom.
- 10 Life prisoners transferred to Scotland.
- 10A Transfer of supervision of life prisoners
- 11 Duration of licence.

Status: Point in time view as at 31/08/2015.

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- 12 Conditions in licence.
- 12AA Conditions for persons released on licence under section 3AA
- 12AB Curfew condition
 - 12A Suspension of licence conditions
 - 12B Certain licences to be replaced by one
 - 13 Supervision of persons released on licence.
 - 14 Supervised release of short-term prisoners.
 - 15 Variation of supervised release order etc.
 - 16 Commission of offence by released prisoner.
 - 17 Revocation of licence.
- 17A Recall of prisoners released under section 3AA
 - 18 Breach of supervised release order.
 - 19 Appeals in respect of decisions relating to supervised release orders.
 - 20 The Parole Board for Scotland.
 - 21 Parole advisers.

Miscellaneous

- 22 Place of confinement of prisoners.
- 23 Transfer of young offenders to prison or remand centre.
- 24 Additional days for disciplinary offences.
- 25 Provision in prison rules for directions.
- 26 Further amendment of Mental Health (Scotland) Act 1984.

Extended sentences

- 26A Extended sentences.
- 26B Parole Board to have regard to risk management plans

Interpretation

- 27 Interpretation of Part I.

PART II

CRIMINAL PROCEEDINGS

Evidence

- 28 Prints, samples etc. in criminal investigations.
- 28A Prints, samples etc. in criminal investigations: supplementary provisions.
- 28B Use of prints, samples etc.
 - 29 Evidence from documents.
 - 30 Admissibility of audio and video records.
 - 31 Transcript of customs interview sufficient evidence.
 - 32 Evidence from abroad through television links in solemn proceedings.
 - 33 Evidence of children on commission.
 - 34 Concealment by screen of accused from child giving evidence.
 - 35 Circumstances in which application under section 33 or 34 may be granted or on transfer be deemed granted, etc.
 - 36 Evidence as to taking or destruction of eggs.
 - 37 Evidence by certificate.

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Procedure

- 38 Adjournment for inquiry etc. in summary proceedings at first calling.
- 39 New circumstances on notice of which preliminary diet may be ordered.
- 40 Taking of other proceedings while jury out.
- 41 Date of commencement of sentence.
- 42 Appeal by Lord Advocate against sentence in solemn proceedings etc.
- 43 Prosecutor's consent to or application for setting aside of conviction.

PART III

GENERAL

- 44 Expenses.
- 45 Rules and orders.
- 46 Interpretation.
- 47 Minor and consequential amendments, transitional provisions, savings and repeals.
- 48 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Consecutive and Concurrent Terms of Imprisonment

General

- 1 This Schedule applies as respects the release of a person...

Consecutive terms of imprisonment

- 2 (1) Where his offence term and his non-offence term are...

Concurrent terms of imprisonment

- 2A Where his offence term and his non-offence term are wholly...

Wholly concurrent terms of imprisonment

- 3 Where his offence term and his non-offence term are wholly...

Partly concurrent terms of imprisonment

- 4 Where his offence term and his non-offence term are partly...

SCHEDULE 2 — The Parole Board

Membership

- 1 The Parole Board shall consist of a chairman and not...
- 1A In making those appointments, the Scottish Ministers shall comply with...
- 1B In making regulations under paragraph 1A above, the Scottish Ministers...
- 2 The Parole Board shall include among its members—
- 2A Limitation, termination etc. of appointment of members
- 2B A member of the Parole Board may resign at any...

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- 2C An appointment of a person as a member of the...
- 2D The appointment of a member of the Parole Board shall...
- 2E A person may be reappointed to be a member of...
- 2F A person whose membership of the Parole Board came to...
- 2G A person whose membership of the Parole Board came to...
- 2H The provisions of paragraphs 1 to 2D above apply to...
- 2J Performance of duties
- 3 Removal of members from office
- 3A The tribunal may order the removal from office of a...
- 3B The tribunal shall consist of the following three members, who...
- 3C For the purposes of paragraph 3B above, a person is...
- 3D Regulations, made by the Scottish Ministers— (a) may make provision...

Remuneration and allowances

- 4 There shall be paid to the members of the Board...
- 5 The expenses of the Board under paragraph 4 above and...

Reports

- 6 The Board shall as soon as practicable after the end...
- 6A Regulations
- 6B No such regulations shall be made unless laid in draft...

SCHEDULE 3 —

Production of copy documents

- 1 (1) For the purposes of any criminal proceedings a copy...

Statements in business documents

- 2 (1) Except where it is a statement such as is...
- 3 A statement in a document shall be admissible in criminal...

Documents kept by businesses etc.

- 4 Unless the court otherwise directs, a document may in any...

Statements not contained in business documents

- 5 (1) In any criminal proceedings, the evidence of an authorised...

Additional evidence where evidence from business documents challenged

- 6 (1) This sub-paragraph applies where— (a) evidence has been admitted...

General

- 7 (1) Nothing in this Schedule— (a) shall prejudice the admissibility...
- 8 In this Schedule— “business” includes trade, profession or other occupation;...

SCHEDULE 4 —

- 1 Schedule 1 to the 1980 Act (which makes provision as...

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- 2 For the entry relating to the Wireless Telegraphy Act 1949,...
- 3 After the entry relating to the Immigration Act 1971, there...
- 4 For the entry relating to the Supplementary Benefits Act 1976,...
- 5 After the entry relating to the Customs and Excise Management...
- 6 After the entry relating to the Forgery and Counterfeiting Act...
- 7 At the end there shall be added the following entry—...

SCHEDULE 5 — Minor and Consequential Amendments

Criminal Procedure (Scotland) Act 1975 (c. 21)

- 1 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended...

Mental Health (Scotland) Act 1984 (c. 36)

- 2 (1) Section 65 of the Mental Health (Scotland) Act 1984...

Repatriation of Prisoners Act 1984 (c. 47)

- 3 (1) The Repatriation of Prisoners Act 1984 shall be amended...

Legal Aid (Scotland) Act 1986 (c. 47)

- 4 In section 21(1) of the Legal Aid (Scotland) Act 1986...

Road Traffic Offenders Act 1988 (c. 53)

- 5 In section 12(4) of the Road Traffic Offenders Act 1988,...

Prisons (Scotland) Act 1989 (c. 45)

- 6 (1) The Prisons (Scotland) Act 1989 shall be amended as...

SCHEDULE 6 — Transitional Provisions and Savings

- 1 In this Schedule— “existing provisions” means such provisions as relate...
- 2 (1) Subject to sub-paragraph (2) and to section 10(4) of...
- 3 An existing prisoner whose sentence is for a term of...
- 4 (1) An existing child detainee whose sentence under section 206...
- 5 (1) An existing child detainee who, by the relevant date,...
- 6 (1) This paragraph applies where, in the case of an...
- 6A (1) This paragraph applies where a prisoner sentenced before the...
- 6B (1) This paragraph applies where— (a) an existing prisoner was,...
- 6C (1) This paragraph applies where— (a) an existing prisoner was,...
- 6D Where a prisoner released on licence is treated by virtue...
- 7
- 8 Unless revoked by virtue of paragraph 10 of this Schedule,...
- 9 Section 12 of this Act shall apply in respect of...
- 10 Section 17 of this Act shall apply in respect of...

SCHEDULE 7 — Repeals and Revocations

Part I — REPEALS

Part II — REVOCATIONS

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