



Prisoners and Criminal Proceedings (Scotland) Act 1993

1993 CHAPTER 9

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Interpretation

27 Interpretation of Part I. **E+W**

(1) In this Part of this Act, except where the context otherwise requires—

“court” does not include a court-martial;

“discretionary life prisoner” has the meaning given by section 2 of this Act;

“life prisoner” means a person serving a sentence of imprisonment for life;

“local authority” means a [^{F1}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

[^{F2}“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;]

“long-term prisoner” means a person serving a sentence of imprisonment for a term of four years or more;

“Parole Board” means the Parole Board for Scotland;

“petty sessions area” has the same meaning as in [^{F3}the Justices of the Peace Act 1997];

“relevant officer”, in relation to a local authority, means an officer of that authority employed by them in the discharge of their functions under section 27(1) of the ^{M1}Social Work (Scotland) Act 1968 (supervision and care of persons put on probation or released from prison etc.);

“short-term prisoner” means a person serving a sentence of imprisonment for a term of less than four years;

Status: Point in time view as at 08/10/2001.

Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Cross Heading: Interpretation is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“supervised release order” has the meaning given by [F4section 209][F5(as inserted by section 14 of this Act)] of the [F61995 Act] but includes any order under subsection (2) of the said section 14; and

“supervising officer” has the meaning given by the said [F4section 209].

- (2) The Secretary of State may by order provide—
- (a) that the references to four years in the definitions of “long-term prisoner” and “short-term prisoner” in subsection (1) above shall be construed as references to such other period as may be specified in the order;
 - (b) that any reference in this Part of this Act to a particular proportion of a prisoner’s sentence shall be construed as a reference to such other proportion of a prisoner’s sentence as may be so specified.
- (3) An order under subsection (2) above may make such transitional provisions as appear to the Secretary of State necessary or expedient in connection with any provision made by the order.
- (4) For the purposes of this Part of this Act so far as relating to licences or persons released on licence, the age of any person at the time when sentence was passed on him shall be deemed to have been that which appears to the Secretary of State to have been his age at that time.
- (5) For the purposes of any reference, however expressed, in this Part of this Act to the term of imprisonment or other detention to which a person has been sentenced or which, having been sentenced, he has served (in whole or in part), consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.
- (6) If additional days are awarded in accordance with rules made under section 39(7) of the 1989 Act (and are not remitted in accordance with such rules), the period which the prisoner (or eventual prisoner) must serve before becoming entitled to or eligible for release shall be extended by those additional days.
- (7) Where (but for this subsection) a prisoner would, under any provision of this Act or of the [F61995 Act], fall to be released on or by a day which is a Saturday, Sunday or public holiday he shall instead be released on or by the last preceding day which is not a Saturday, Sunday or public holiday.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F1** S. 27(1): words in the definition of “local authority” substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 179(3)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F2** S. 27(1): definition of “local probation board” inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 118**; S.I. 2001/919, **art. 2(f)(ii)**
- F3** S. 27(1): words in the definition of “petty sessions area” substituted (19.6.1997) by 1997 c. 25, ss. 73(2), 74, **Sch. 5 para. 33** (with Sch. 4 para. 27)
- F4** Words in s. 27(1) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 86(10)**
- F5** S. 27(1): words in the definition of

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“supervised release order”

ceased to have effect (30.9.1998) by 1997 c. 48, s. 62(1), **Sch. 1 para. 14(16)** (with s. 33) (as substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 141(2)**; S.I. 1998/2327, **art. 2(1)(y)(2)(pp)**) and words repealed (*prosp.*) by 1997 c. 48, ss. 62(2), 65(3), **Sch. 3**

F6 Words in s. 27(1)(7) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 86(2)**

Modifications etc. (not altering text)

C5 Ss. 1, 1A, 2(4), 3A, 5, 6(1)(a)(b)(i)(iii), 7, 9, 16, 20, 21, 26A, 27, Schs. 2, 6 extended (30.9.1998) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 10(2)(a)(5)(a)(6)(7), **11(2)(a)(4)(a)(6)** (subject to art. 5) (as amended (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 paras. 135(5)(a)(d)(f)(6)(a)(b)**; S.I. 1998/2327, **art. 2(1)(y)(2)(oo)** (subject to arts. 5-8))

Commencement Information

II S. 27 not in force at Royal Assent see s. 48(2). S. 27(1)(2)(3) in force for certain purposes at 18.8.1993, S. 27 wholly in force at 1.10.1993 by S.I. 1993/2050, art. 3(2)(4), **Sch. 1**

Marginal Citations

M1 1968 c. 49.

27 Interpretation of Part I. **S**

(1) In this Part of this Act, except where the context otherwise requires—

“court” does not include a court-martial;

F7
...

“life prisoner” means a person serving a sentence of imprisonment for life;

“local authority” means a [**F8**council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

[**F9**“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;]

“long-term prisoner” means a person serving a sentence of imprisonment for a term of four years or more;

“Parole Board” means the Parole Board for Scotland;

“petty sessions area” has the same meaning as in [**F10**the Justices of the Peace Act 1997];

“relevant officer”, in relation to a local authority, means an officer of that authority employed by them in the discharge of their functions under section 27(1) of the ^{M2}Social Work (Scotland) Act 1968 (supervision and care of persons put on probation or released from prison etc.);

“short-term prisoner” means a person serving a sentence of imprisonment for a term of less than four years;

“supervised release order” has the meaning given by [**F11**section 209][**F12**(as inserted by section 14 of this Act)] of the [**F13**1995 Act] but includes any order under subsection (2) of the said section 14; and

“supervising officer” has the meaning given by the said [**F11**section 209].

(2) The Secretary of State may by order provide—

- (a) that the references to four years in the definitions of “long-term prisoner” and “short-term prisoner” in subsection (1) above shall be construed as references to such other period as may be specified in the order;

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- (b) that any reference in this Part of this Act to a particular proportion of a prisoner's sentence shall be construed as a reference to such other proportion of a prisoner's sentence as may be so specified.
- (3) An order under subsection (2) above may make such transitional provisions as appear to the Secretary of State necessary or expedient in connection with any provision made by the order.
- (4) For the purposes of this Part of this Act so far as relating to licences or persons released on licence, the age of any person at the time when sentence was passed on him shall be deemed to have been that which appears to the Secretary of State to have been his age at that time.
- [^{F14}(5) For the purposes of any reference, however expressed, in this Part of this Act to the term of imprisonment or other detention to which a person has been sentenced or which, or any part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term if—
- (a) the sentences were passed at the same time; or
- (b) where the sentences were passed at different times, the person has not been released under this Part of this Act at any time during the period beginning with the passing of the first sentence and ending with the passing of the last.]
- (6) If additional days are awarded in accordance with rules made under section 39(7) of the 1989 Act (and are not remitted in accordance with such rules), the period which the prisoner (or eventual prisoner) must serve before becoming entitled to or eligible for release shall be extended by those additional days.
- (7) Where (but for this subsection) a prisoner would, under any provision of this Act or of the [^{F13}1995 Act], fall to be released on or by a day which is a Saturday, Sunday or public holiday he shall instead be released on or by the last preceding day which is not a Saturday, Sunday or public holiday.
- [^{F15}(8) For the purposes of this section "public holiday" means any day on which, in the opinion of the Secretary of State, public offices or other facilities likely to be of use to the prisoner in the area in which he is likely to be following his discharge from prison will be closed.]

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version of this provision extends to England and Wales only

Textual Amendments

- F7** S. 27(1): definition of "discretionary life prisoner" repealed (S.) (8.10.2001) by [2001 asp 7, s. 1\(6\)](#); [S.S.I. 2001/274, art. 3\(3\)](#)
- F8** S. 27(1): words in the definition of "local authority" substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 179\(3\)](#); [S.I. 1996/323, art. 4\(1\)\(b\)\(c\)](#)
- F9** S. 27(1): definition of "local probation board" inserted (1.4.2001) by [2000 c. 43, s. 74, Sch. 7 Pt. II para. 118](#); [S.I. 2001/919, art. 2\(f\)\(ii\)](#)
- F10** S. 27(1): words in the definition of "petty sessions area" substituted (19.6.1997) by [1997 c. 25, ss. 73\(2\), 74, Sch. 5 para. 33](#) (with [Sch. 4 para. 27](#))
- F11** Words in s. 27(1) substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\), Sch. 4 para. 86\(10\)](#)

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- F12** S. 27(1): words in the definition of "supervised release order" ceased to have effect (S.) (30.9.1998) by virtue of 1997 c. 48, s. 62(1), **Sch. 1 para. 14(16)** (with s. 33) (as substituted (S.) (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 141(2)**; S.I. 1998/2327, **art. 2(1)(y)(2)(pp)**)
- F13** Words in s. 27(1)(7) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 86(2)**
- F14** S. 27(5) substituted (S.) (30.9.1998) by 1998 c. 37, s. 111(3); S.I. 1998/2327, **art. 2(1)(x)**
- F15** S. 27(8) inserted (S.) (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 107**; S.I. 1998/2327, **art. 2(1)(y)(2)(hh)**

Modifications etc. (not altering text)

- C6** Ss. 1, 1A, 2(4), 3A, 5, 6(1)(a)(b)(i)(iii), 7, 9, 16, 20, 21, 26A, 27, Schs. 2, 6 extended (30.9.1998) by 1997 c. 43, ss. 41, 56(1), **Sch. 1 Pt. II paras. 10(2)(a)(5)(a)(6)(7), 11(2)(a)(4)(a)(6)** (subject to art. 5) (as amended (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 paras. 135(5)(a)(d)(f)(6)(a)(b)**; S.I. 1998/2327, **art. 2(1)(y)(2)(oo)** (subject to arts. 5-8))
- C7** S. 27(7) excluded (17.12.2001) by 2001 asp 13, s. 24(c) (with s. 29); S.S.I. 2001/456, **art. 2**

Commencement Information

- I2** S. 27 not in force at Royal Assent see s. 48(2); S. 27(1)(2)(3) in force for certain purposes at 18.8.1993, S. 27 wholly in force at 1.10.1993 by S.I. 1993/2050, art. 3(2)(4), **Sch. 1**

Marginal Citations

- M2** 1968 c. 49.

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