

*Status: Point in time view as at 03/07/2023.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Prisoners and Criminal Proceedings (Scotland) Act 1993. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1(8).

#### CONSECUTIVE AND CONCURRENT TERMS OF IMPRISONMENT

##### *General*

- 1 This Schedule applies as respects the release of a person on whom there has been imposed—
- (a) a term of imprisonment on conviction of an offence (“his offence term”); and
  - (b) a term of imprisonment or detention mentioned in section 5(1)(a) or (b) of this Act (“his non-offence term”).

##### *Consecutive terms of imprisonment*

- 2 <sup>F1</sup>(1) Where his offence term and his non-offence term are consecutive, whichever term follows the other shall be taken as beginning on the day after he is released as respects the other term.
- (2) For the purposes of sub-paragraph (1) above, where his offence term and his non-offence term are imposed on the same date, his non-offence term shall be taken to follow his offence term.]

##### **Textual Amendments**

- F1** Sch. 1 paras. 2, 2A and cross-heading to para. 2A substituted for Sch. 1 para. 2 (2.4.2006) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 32(3)(a), 89(2); S.S.I. 2006/85, art. 1(2)

##### *<sup>F2</sup>Concurrent terms of imprisonment*

##### **Textual Amendments**

- F2** Sch. 1 paras. 2, 2A and cross-heading to para. 2A substituted for Sch. 1 para. 2 (2.4.2006) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 32(3)(a), 89(2); S.S.I. 2006/85, art. 1(2)

- 2A Where his offence term and his non-offence term are wholly or partly concurrent, section 1(1) to (3) of this Act (so far as relevant to the term in question and whether or not modified by section 5(2) of this Act or as read with section 220 of the 1995 Act (reduction of term in certain circumstances)) shall apply separately to each term (that is to say, in particular, he may be released as respects one of the terms even if he is not for the time being eligible for release as respects the other term).]

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*Wholly concurrent terms of imprisonment*

3

F3 .....

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**Textual Amendments**

**F3** Sch. 1 paras. 3, 4 repealed (2.4.2006) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 32(3)(b), 89(2); S.S.I. 2006/85, art. 1(2)

*Partly concurrent terms of imprisonment*

4

F4 .....

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**Textual Amendments**

**F4** Sch. 1 paras. 3, 4 repealed (2.4.2006) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 32(3)(b), 89(2); S.S.I. 2006/85, art. 1(2)

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