



Prisoners and Criminal Proceedings (Scotland) Act 1993

1993 CHAPTER 9

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Early release

1 Release of short-term, long-term and life prisoners.

- (1) [^{F1}Subject to section 26A(4) of this Act,] as soon as a short-term prisoner has served one-half of his sentence the Secretary of State shall, without prejudice to any supervised release order to which the prisoner is subject, release him unconditionally.
- (2) As soon as a long-term prisoner has served two-thirds of his sentence, the Secretary of State shall release him on licence [^{F2}unless he has before that time been so released, in relation to that sentence, under any provision of this Act].
- (3) After a long-term prisoner has served one-half of his sentence the Secretary of State
[^{F3}(a) shall, except in the case mentioned in paragraph (b) below; or
(b) may, in the case of a prisoner who is liable to removal from the United Kingdom (within the meaning of section 9 of this Act),]
if recommended to do so by the Parole Board under this section, release him on licence.

[^{F4}(3A) Subsections (1) to (3) above are subject to section 1A of this Act.]

(4)

^{F5}(5)

^{F5}(6)

^{F5}(7)

Status: Point in time view as at 27/06/2003. This version of this provision has been superseded.

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)

- (8) Schedule 1 to this Act, which makes special provision as respects the release of persons serving both a sentence of imprisonment imposed on conviction of an offence and a term of imprisonment or detention referred to in section 5(1)(a) or (b) of this Act, shall have effect.

Textual Amendments

- F1** Words in s. 1(1) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 98(1)**; S.I. 1998/2327, **art. 2(1)(y)(2)(gg)** (subject to arts. 5-8)
- F2** Words in s. 1(2) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 98(2)**; S.I. 1998/2327, **art. 2(1)(y)(2)(gg)** (subject to transitional provisions in art. 7(1))
- F3** Words in s. 1(3) substituted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. {s. 28(2)}, 89(2) (with saving in S.S.I. 2003/287, **art. 2(2)(b)**); S.S.I. 2003/288, **art. 2**, Sch.
- F4** S. 1(3A) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 98(3)**; S.I. 1998/2327, **art. 2(1)(y)(2)(gg)** (subject to arts. 5-8)
- F5** S. 1(4)-(7) repealed (8.10.2001) by 2001 asp 7, s. 1(2); S.S.I. 2001/274, **art. 3(3)**

Modifications etc. (not altering text)

- C1** S. 1 excluded (17.12.2001) by 2001 asp 13, s. 24(c) (with s. 29); S.S.I. 2001/456, **art. 2**
- C2** 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))
- C3** S. 1(2)(3) modified (retrospectively) by 1984 c. 47, **Sch. para. 2(5)** (as inserted (1.10.1997) by 1997 c. 43, s. 42, **Sch. 2 para. 6(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)** (subject to art. 5))
 S. 1(2)(3) modified (1.10.1997) by 1984 c. 47, **Sch. para. 2(5)** (as inserted (1.10.1997) by 1997 c. 43, s. 42, **Sch. 2 para. 7(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)** (subject to art. 5))
- C4** S. 1(3) modified (1.4.1995) by S.I. 1995/911, **art. 3(a)**

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