



# Prisoners and Criminal Proceedings (Scotland) Act 1993

## 1993 CHAPTER 9

### PART I **E+W+S**

#### DETENTION, TRANSFER AND RELEASE OF OFFENDERS

##### *Early release*

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

(1) [<sup>F1</sup>Subject to section 26A(4) of this Act,] as soon as a short-term prisoner [<sup>F2</sup>, not being a prisoner to whom section 1AA of this Act applies,] 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.

[<sup>F3</sup>(1A) Subsections (2) and (2A) apply as follows—

- (a) subsection (2) applies in relation to a long-term prisoner who is serving a sentence imposed before [<sup>F4</sup>1st February 2016] ,
- (b) subsection (2A) applies in relation to a long-term prisoner who is—
  - (i) serving a sentence imposed on or after [<sup>F5</sup>1st February 2016] , and
  - (ii) not subject to an extended sentence within the meaning of section 210A of the 1995 Act.

(1B) For the purpose of subsection (1A), a sentence specified on appeal in substitution for a sentence imposed earlier is to be regarded as imposed when the earlier sentence was imposed.]

(2) As soon as a long-term prisoner has served two-thirds of his sentence, the Secretary of State shall release him on licence [<sup>F6</sup> unless he has before that time been so released, in relation to that sentence, under any provision of this Act].

[<sup>F7</sup>(2A) As soon as a long-term prisoner has only 6 months of the prisoner's sentence left to serve, the Scottish Ministers must release the prisoner on licence unless the prisoner

*Status: Point in time view as at 26/02/2020. This version of this provision has been superseded.*

*Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 1 is up to date with all changes known to be in force on or before 07 September 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)*

has previously 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
- [<sup>F8</sup>(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.

[<sup>F9</sup>(3A) Subsections (1) to (3) above are subject to section 1A of this Act.]

- (4) .....
- <sup>F10</sup>(5) .....
- <sup>F10</sup>(6) .....
- <sup>F10</sup>(7) .....

- (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.

[<sup>F11</sup>(9) This section does not apply in relation to a person to whom section 1AB applies.]

#### 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(1) inserted (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), **ss. 15(2)**; 24(2); S.S.I. 2006/48, **art. 3(1)**, Sch. Pt. 1
- F3** S. 1(1A) inserted (1.2.2016) by Prisoners (Control of Release) (Scotland) Act 2015 (asp 8), **ss. 1(2)(a)**, 3(2); S.S.I. 2015/409, art. 2
- F4** Words in s. 1(1A)(a) substituted (1.2.2016) by The Prisoners (Control of Release) (Scotland) Act 2015 (Commencement) Order 2015 (S.S.I. 2015/409), arts. 1, **3**
- F5** Words in s. 1(1A)(b)(i) substituted (1.2.2016) by The Prisoners (Control of Release) (Scotland) Act 2015 (Commencement) Order 2015 (S.S.I. 2015/409), arts. 1, **3**
- F6** 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))
- F7** S. 1(2A) inserted (1.2.2016) by Prisoners (Control of Release) (Scotland) Act 2015 (asp 8), **ss. 1(2)(b)**, 3(2); S.S.I. 2015/409, art. 2
- F8** 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.
- F9** 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)
- F10** S. 1(4)-(7) repealed (8.10.2001) by 2001 asp 7, **s. 1(2)**; S.S.I. 2001/274, **art. 3(3)**
- F11** S. 1(9) inserted (26.2.2020) by Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), **ss. 4(2)**, 10(4)

#### 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)

---

**Status:** Point in time view as at 26/02/2020. This version of this provision has been superseded.

**Changes to legislation:** Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 1 is up to date with all changes known to be in force on or before 07 September 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)

---

(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)**

**Status:**

Point in time view as at 26/02/2020. This version of this provision has been superseded.

**Changes to legislation:**

Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 1 is up to date with all changes known to be in force on or before 07 September 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.