



Prisoners and Criminal Proceedings (Scotland) Act 1993

1993 CHAPTER 9

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Early release

[^{F1}3AA Further powers to release prisoners

- (1) Subject to subsections (2) to (5) below, the Scottish Ministers may release on licence under this section—
 - (a) a short-term prisoner serving a sentence of imprisonment for a term of three months or more; or
 - (b) a long-term prisoner whose release on having served one-half of his sentence has been recommended by the Parole Board.
- (2) The power in subsection (1) above is not to be exercised before the prisoner has served [^{F2}one quarter of the prisoner's sentence].
- (3) Without prejudice to subsection (2) above, the power in subsection (1) above is to be exercised only during that period of [^{F3}166 days] which ends on the day 14 days before that on which the prisoner will have served one half of his sentence.
- (4) In exercising the power conferred by subsection (1) above, the Scottish Ministers must have regard to considerations of—
 - (a) protecting the public at large;
 - (b) preventing re-offending by the prisoner; and
 - (c) securing the successful re-integration of the prisoner into the community.
- (5) Subsection (1) above does not apply where—
 - (a) the prisoner's sentence was imposed under section 210A of the 1995 Act;

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- (b) the prisoner is subject to a supervised release order made under section 209 of that Act;
 - (c) the prisoner is subject to a hospital direction imposed under section 59A of that Act or a transfer for treatment direction made under section 136(2) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);
 - (d) the prisoner is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42);
 - (e) the prisoner is liable to removal from the United Kingdom (within the meaning of section 9 of this Act);
 - ^{F4}(f)
 - ^{F4}(g)
- (6) The Scottish Ministers may by order do any or all of the following—
- (a) amend the number of months for the time being specified in subsection (1) (a) above;
 - ^{F5}(b) amend a period for the time being specified in subsection (2) above (which may be done by amending the subsection to describe a period as a particular length of time or a proportion of a prisoner's sentence),]
 - (c) amend a number of days for the time being specified in subsection (3) above;
 - (d) amend any paragraph of subsection (5) above, add a further paragraph to that subsection or repeal any of its paragraphs.]
- ^{F6}(7) For the avoidance of doubt, nothing in this section requires the Parole Board to make a decision by a particular date about whether to recommend that a long-term prisoner be released having served one-half of the prisoner's sentence.]
- ^{F7}(8) This section does not apply in relation to a person to whom section 1AB applies.]

Textual Amendments

- F1** S. 3AA inserted after s. 3 (3.7.2006 for specified purposes, otherwise 21.3.2008) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\), ss. 15\(5\), 24\(2\); S.S.I. 2006/331, art 3\(4\)\(5\); S.S.I. 2008/21, art. 2\(2\)](#)
- F2** Words in s. 3AA(2) substituted (11.10.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\), ss. 48\(2\), 63\(2\); S.S.I. 2019/309, reg. 2](#)
- F3** Words in s. 3AA(3) substituted (21.3.2008) by [The Home Detention Curfew Licence \(Amendment of Specified Days\) \(Scotland\) Order 2008 \(S.S.I. 2008/126\), art. 2](#)
- F4** S. 3AA(5)(f)(g) repealed (14.12.2016) by [The Home Detention Curfew Licence \(Amendment\) \(Scotland\) Order 2016 \(S.S.I. 2016/416\), arts. 1, 2](#)
- F5** S. 3AA(6)(b) substituted (11.10.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\), ss. 48\(3\), 63\(2\); S.S.I. 2019/309, reg. 2](#)
- F6** S. 3AA(7) inserted (11.10.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\), ss. 48\(4\), 63\(2\); S.S.I. 2019/309, reg. 2](#)
- F7** S. 3AA(8) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\), ss. 4\(4\), 10\(4\)](#)

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