



Prisoners and Criminal Proceedings (Scotland) Act 1993

1993 CHAPTER 9

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Early release

5 Fine defaulters and persons in contempt of court.

(1) Subject to section 1(8) of this Act and to subsections (2) [^{F1}to (4)] below, this Part of this Act (except sections 1(3), 16 and 27(5)) applies to a person on whom imprisonment, or as the case may be detention in a young offenders institution, has been imposed—

[^{F2}(a) under section 219 of the 1995 Act (imprisonment for non-payment of fine or, by virtue of that section, under section 207 of that Act (detention of young offenders));] or

(b) for contempt of court,

as it applies to a person sentenced to imprisonment, or on whom detention has been imposed, on conviction of an offence; and references in this Part of this Act to prisoners (whether short-term or long-term), or to prison, imprisonment, detention or sentences of imprisonment shall be construed accordingly.

(2) Where section 1(1) or (2) of this Act applies to a person by virtue of subsection (1) above, that section shall be construed as requiring the Secretary of State to release the person unconditionally as soon as, in the case of—

(a) a short-term prisoner, he has served one-half of his term of imprisonment; or

(b) a long-term prisoner, he has served two-thirds of his term of imprisonment,

and if during the term in question the prisoner is both released under section 3 of this Act and subsequently recalled under section 17(1) thereof, the period during which

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he is thereby lawfully at large shall be taken, for the purposes of paragraph (a) or (b) above, to be a period of imprisonment served.

(3) Notwithstanding subsection (1) above, section 11 of this Act shall not apply to a person to whom this Part of this Act applies by virtue of that subsection but whose release on licence is under section 3 of this Act; and that licence shall (unless revoked) remain in force only until the date on which, by virtue of subsection (2) above, his release would have been required had he not been released earlier.

[^{F3}(4) Where a person has had imposed on him two or more terms of imprisonment or detention mentioned in subsection (1)(a) or (b) above, sections 1A and 27(5) of this Act shall apply to those terms as if they were terms of imprisonment.]

Textual Amendments

- F1** Words in s. 5(1) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 100(a)**; S.I. 1998/2327, **art. 2(1)(2)(y)(hh)** (with transitional provisions in art. 7(2))
- F2** S. 5(1)(a) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 86(3)**
- F3** S. 5(4) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 100(b)**; S.I. 1998/2327, **art. 2(1)(2)(y)(hh)** (with transitional provisions in art. 7(2))

Modifications etc. (not altering text)

- C1** 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))

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