

# **CRIMINAL JUSTICE (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

**THE ACT THE ACT IS IN 12 PARTS.**

### **Part 4 – Prisoners**

#### **Release of prisoners**

##### ***Section 31 - Release: Prisoners serving extended sentences***

140. **Section 31** amends section 3A of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”) so that where a prisoner subject to an extended sentence is recalled to custody and receives a life sentence before the Parole Board considers whether or not to direct immediate re-release, the prisoner will not be eligible for release until after having served the punishment part of the life sentence. (In such a case, the effect of the amendments in section 31 is that release will be in terms of section 2 of the 1993 Act.) It further provides that if in the interval between recall to custody and consideration of immediate re-release, the prisoner receives another determinate sentence, the Parole Board shall not be empowered to consider the case until the prisoner is eligible for release from the new sentence.