



Criminal Justice (Scotland) Act 1963

1963 CHAPTER 39

PART I

PROVISIONS WITH RESPECT TO SENTENCES AND ORDERS INFERRING DETENTION

Supervision of Offenders on Release

11 Supervision of persons released from detention centres

- (1) A person detained in a detention centre in pursuance of a sentence under section 7 of this Act, or transferred therefrom to a young offenders institution under section 32 (3) of the Prisons (Scotland) Act 1952, shall, after his release and until the expiration of a period of twelve months from the date of his release, be required to be under the supervision of such person as may be specified in the notice to be given to him by the Secretary of State on his release, and shall, while under that supervision, comply with such other requirements as may be so specified:

Provided that the Secretary of State may, at any time, modify or cancel any of the said requirements or order that a person who is under supervision as aforesaid shall cease to be under supervision.

- (2) Subject to the provisions of the next following subsection, if before the expiration of the said period of twelve months the Secretary of State is satisfied that a person under supervision under the last foregoing subsection has failed to comply with any requirement for the time being specified in the notice given to him under that subsection, he may, after the commencement of section 1 of this Act, by order recall him to a young offenders institution if the offender has attained the age of seventeen years or, where the offender is less than seventeen years of age, to a detention centre; and thereupon he shall be liable to be detained in that institution or centre until the expiration of the period of fourteen days from the date of his being taken into custody under the order, and if at large he shall be deemed to be unlawfully at large:

Provided that—

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- (a) any such order shall, at the expiration of the said period of twelve months, cease to have effect unless the person to whom it relates is then in custody thereunder; and
 - (b) a person shall not be recalled more than once under this subsection by virtue of the same sentence under section 7 of this Act.
- (3) The power conferred upon the Secretary of State by the last foregoing subsection to recall an offender to a young offenders institution may be exercised in the case of a person who has not attained the age of seventeen years if the Secretary of State is satisfied, having regard to the character and development of the person, that it is appropriate that he should be detained in a young offenders institution.
- (4) The Secretary of State may, at any time, release a person who is detained after recall as aforesaid; and the provisions of this section shall apply to a person released by virtue of this subsection, subject to the modification that the period referred to in subsection (1) shall be calculated from the date of his original release.
- (5) Where a person who has attained the age of seventeen years is recalled under this section before the commencement of section 1 of this Act, he shall be recalled to a detention centre instead of to a young offenders institution.

12 Supervision of persons released from young offenders institutions

- (1) A person detained in a young offenders institution in pursuance of a sentence shall, where the term of his detention is six months or more, after his release and until the expiration of a period of twelve months from the date of his release, be required to be under the supervision of such person as may be specified in the notice to be given to him by the Secretary of State on his release, and shall, while under that supervision, comply with such other requirements as may be so specified :

Provided that the Secretary of State may, at any time, modify or cancel any of the said requirements or order that a person who is under supervision as aforesaid shall cease to be under supervision.

- (2) The Secretary of State may by order extend the provisions of the last foregoing subsection to persons detained as aforesaid whose term of detention is less than six months but not less than three.
- (3) If before the expiration of the said period of twelve months the Secretary of State is satisfied that a person under supervision under subsection (1) of this section has failed to comply with any requirement for the time being specified in the notice given to him under that subsection, he may by order recall him to a young offenders institution; and thereupon he shall be liable to be detained in that institution, and if at large he shall be deemed to be unlawfully at large :

Provided that any such order shall, at the expiration of the said period of twelve months, cease to have effect unless the person to whom it relates is then in custody thereunder.

- (4) The period for which a person may be detained under the last foregoing subsection shall not exceed three months.
- (5) The Secretary of State may, at any time, release a person who is detained under this section; and the provisions of this section shall apply in the case of a person so released subject to the following modifications:—

- (a) the period referred to in subsection (1) shall be calculated from the date of his original release; and
- (b) the period during which he shall be liable to be detained on further recall shall be the period referred to in subsection (4) reduced by any time during which he has previously been detained under this section.

13 Recall to young offenders institution on re-conviction

- (1) Where a person sentenced to detention in a young offenders institution, being under supervision after his release from such an institution, is convicted of an offence punishable with imprisonment, the court may, instead of dealing with him in any other manner, make an order for his recall.
- (2) An order for the recall of a person made as aforesaid shall have the like effect as an order for recall made by the Secretary of State under section 12 of this Act.

14 Supervision of certain prisoners after release

- (1) If it appears to the Secretary of State that a person serving a sentence of imprisonment is a person to whom this section applies, he shall, by notice given to such person in accordance with paragraph 2 of Schedule 1 to this Act, place him under supervision under that Schedule on his release from prison.
- (2) Subject to the provisions of subsection (4) thereof, this section applies—
 - (a) to any person serving a sentence of imprisonment for a term of three years or more ;
 - (b) to any person serving a sentence of imprisonment for a term of not less than six months,
but less than three years, who is under the age of twenty-six years at the commencement of the sentence ; but does not apply to a person serving a sentence of imprisonment for life.
- (3) The Secretary of State may by order substitute a lower limit of three months instead of six months in paragraph (b) of subsection (2) above.
- (4) This section shall not apply to persons serving a sentence of imprisonment commencing before such date as may be prescribed by order of the Secretary of State under this subsection ; and any such order may prescribe different dates in respect of sentences described in paragraphs (a) and (b) respectively of subsection (2) of this section, and, in respect of sentences comprised in the said paragraph (b), either according to the length of the term of imprisonment under a sentence or to the age of the person on whom it is passed.

15 Termination of supervisory functions of After Care Council

- (1) Subject to the provisions of this section, the powers of the Secretary of State under the Prisons (Scotland) Act 1952 shall include power to make such arrangements as appear to him to be necessary for the supervision of offenders released from institutions provided under that Act.
- (2) The Secretary of State may no longer place offenders under the supervision of the After Care Council in pursuance of section 18(2) of the Prisons (Scotland) Act 1952, and accordingly for that subsection there shall be substituted the following subsection:—

Status: This is the original version (as it was originally enacted).

“(2) It shall be the duty of the After Care Council to advise the Secretary of State on any question relating to the after-care of offenders which he may refer to them, and to bring to his attention any matter relating to after-care of which in their opinion he ought to be apprised”.