



Prisoners and Criminal Proceedings (Scotland) Act 1993

1993 CHAPTER 9

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Interpretation

27 Interpretation of Part I.

(1) In this Part of this Act, except where the context otherwise requires—

“court” does not include a court-martial;

^{F1}

“life prisoner” means a person serving a sentence of imprisonment for life [^{F2}or in respect of whom there has been made an order for lifelong restriction];

“local authority” means a [^{F3}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

[^{F4}“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;]

“long-term prisoner” means a person serving a sentence of imprisonment for a term of four years or more;

[^{F5}“order for lifelong restriction” means an order under section 210F(1) of the Criminal Procedure (Scotland) Act 1995 (c. 46);]

“Parole Board” means the Parole Board for Scotland;

[^{F6}“local justice area” has the same meaning as in the Courts Act 2003 (c. 39);]

[^{F7}“previous conviction” means—

- (a) a previous conviction by a court in any part of the United Kingdom, or
- (b) if the court considers appropriate, a previous conviction by a court in any member State of the European Union;]

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“relevant officer”, in relation to a local authority, means an officer of that authority employed by them in the discharge of their functions under section 27(1) of the ^{M1}Social Work (Scotland) Act 1968 (supervision and care of persons put on probation or released from prison etc.);

[^{F8}“risk management plan” shall be construed in accordance with section 6(1) of the Criminal Justice (Scotland) Act 2003 (asp 7);]

“short-term prisoner” means a person serving a sentence of imprisonment for a term of less than four years;

“supervised release order” has the meaning given by [^{F9}section 209]. . . of the [^{F10}1995 Act] but includes any order under subsection (2) of the said section 14; and

“supervising officer” has the meaning given by the said [^{F9}section 209].

- (2) The Secretary of State may by order provide—
- (a) that the references to four years in the definitions of “long-term prisoner” and “short-term prisoner” in subsection (1) above shall be construed as references to such other period as may be specified in the order;
 - (b) that any reference in this Part of this Act to a particular proportion of a prisoner’s sentence shall be construed as a reference to such other proportion of a prisoner’s sentence as may be so specified.
- (3) An order under subsection (2) above may make such transitional provisions as appear to the Secretary of State necessary or expedient in connection with any provision made by the order.
- (4) For the purposes of this Part of this Act so far as relating to licences or persons released on licence, the age of any person at the time when sentence was passed on him shall be deemed to have been that which appears to the Secretary of State to have been his age at that time.

[^{F11}(4A) For the purposes of this Part of this Act, a term of imprisonment or detention—

- (a) is wholly concurrent with another such term (or other such terms) if—
 - (i) it [^{F12}commences] on the same date as that other term (or terms); and
 - (ii) it expires on the same date as that other term (or terms); and
- (b) is partly concurrent with another such term (or other such terms) if—
 - (i) it [^{F12}commences] on the same date as, and expires on a different date from, that other term (or terms); or
 - (ii) it [^{F12}commences] on a different date from, but before the expiry of, that other term (or terms).]

[^{F13}(5) For the purposes of any reference, however expressed, in this Part of this Act to the term of imprisonment or other detention to which a person has been sentenced or which, or any part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall [^{F14}, subject to subsection (5A),] be treated as a single term if—

- (a) the sentences were passed at the same time; or
- (b) where the sentences were passed at different times, the person has not been released under this Part of this Act at any time during the period beginning with the passing of the first sentence and ending with the passing of the last.]

[^{F15}(5A) Subsection (5) does not apply in relation to a sentence passed on a person—

- (a) in respect of an offence within section 1AB(2), and

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- (b) on or after the coming into force of paragraph 52(6) of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021.
- (5B) In determining, for the purposes of subsection (5), whether a sentence passed on a person in respect of an offence (other than an offence within section 1AB(2)) is to be treated as part of a single term, any sentence passed on the person in respect of an offence within section 1AB(2) is to be ignored.]
- (6) If additional days are awarded in accordance with rules made under section 39(7) of the 1989 Act (and are not remitted in accordance with such rules), the period which the prisoner (or eventual prisoner) must serve before becoming entitled to or eligible for release shall be extended by those additional days.
- (7) Where (but for this subsection) a prisoner would, under any provision of this Act or of the ^{F10}1995 Act], fall to be released on or by a day which is a Saturday, Sunday or public holiday he shall instead be released on or by the last preceding day which is not a Saturday, Sunday or public holiday.
- ^{F16}(8) For the purposes of this section “public holiday” means any day on which, in the opinion of the Secretary of State, public offices or other facilities likely to be of use to the prisoner in the area in which he is likely to be following his discharge from prison will be closed.]

Textual Amendments

- F1** S. 27(1): definition of "discretionary life prisoner" repealed (S.) (8.10.2001) by 2001 asp 7, s. 1(6); S.S.I. 2001/274, art. 3(3)
- F2** S. 27(1): words inserted in definition of "life prisoner" (S.) (19.6.2006 for specified purposes) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 1(2), 89(2), Sch. 1 para. 1(3)(a); S.S.I. 2006/332, art. 2(1) (with art. 2(2))
- F3** S. 27(1): words in the definition of "local authority" substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 179(3); S.I. 1996/323, art. 4(1)(b)(c)
- F4** S. 27(1): definition of "local probation board" inserted (1.4.2001) by 2000 c. 43, s. 74, Sch. 7 Pt. II para. 118; S.I. 2001/919, art. 2(f)(ii)
- F5** S. 27(1): definition of "order for lifelong restriction" inserted (S.) (4.10.2005) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 1(2), 89(2), Sch. 1 para. 1(3)(b); S.S.I. 2005/433, art. 2(d)
- F6** S. 27(1): definition of "local justice area" substituted (1.4.2005) for definition of "petty sessions area" by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 50(2)
- F7** Words in s. 27(1) substituted (31.12.2020) by The Criminal Justice (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/339), regs. 1(3), 11 (with reg. 16)
- F8** S. 27(1): definition of "risk management plan" inserted (S.) (4.10.2005) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 1(2), 89(2), Sch. 1 para. 1(3)(b); S.S.I. 2005/433, art. 2(d)
- F9** Words in s. 27(1) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 para. 86(10)
- F10** Words in s. 27(1)(7) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 para. 86(2)
- F11** S. 27(4A) inserted (S.) (2.4.2006) by Criminal Justice (Scotland) Act 2003 (asp 7), s. 32(2), 89(2); S.S.I. 2006/85, art. 1(2)
- F12** Words in s. 27(4A)(a)(i)(b)(i)(ii) substituted (3.4.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), ss. 21(7), 24(2); S.S.I. 2006/48, art. 3(2), Sch. Pt. 2
- F13** S. 27(5) substituted (S.) (30.9.1998) by 1998 c. 37, s. 111(3); S.I. 1998/2327, art. 2(1)(x)
- F14** Words in s. 27(5) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), Sch. 13 para. 52(16)(a)
- F15** S. 27(5A)(5B) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), Sch. 13 para. 52(16)(b)

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F16 S. 27(8) inserted (S.) (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 107**; S.I. 1998/2327, **art. 2(1)(y)(2)(hh)**

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))
- C2** S. 27(7) excluded (17.12.2001) by 2001 asp 13, **s. 24(c)** (with s. 29); S.S.I. 2001/456, **art. 2**

Commencement Information

- II** S. 27 not in force at Royal Assent see s. 48(2); S. 27(1)(2)(3) in force for certain purposes at 18.8.1993, S. 27 wholly in force at 1.10.1993 by S.I. 1993/2050, art. 3(2)(4), **Sch. 1**

Marginal Citations

- M1** 1968 c. 49.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3A(3A) inserted by [2019 asp 14 s. 51\(2\)](#)
- s. 3B inserted by [2019 asp 14 s. 51\(3\)](#)
- s. 3B(1)(a) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(a\)](#)
- s. 3B(1)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(b\)\(i\)](#)
- s. 3B(1)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(b\)\(ii\)](#)
- s. 3B(4)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(c\)](#)
- s. 3C-3E and cross-heading inserted by [2023 asp 4 s. 11\(2\)](#)
- s. 3AA(4)(aa) inserted by [2023 asp 4 s. 9\(4\)\(b\)\(ii\)](#)
- s. 3AA(7A) inserted by [2023 asp 4 s. 9\(4\)\(d\)](#)
- s. 3AB3AC inserted by [2023 asp 4 s. 9\(5\)](#)
- s. 11(3C)(3D) inserted by [2023 asp 4 s. 9\(6\)\(b\)](#)
- s. 12(3A) inserted by [2023 asp 4 s. 11\(3\)](#)
- s. 12AA(7) inserted by [2023 asp 4 s. 9\(8\)\(d\)](#)
- s. 12ZA inserted by [2023 asp 4 s. 11\(4\)](#)
- s. 16(2A) inserted by [2016 asp 1 s. 86\(4\)](#)
- s. 17(2A)(2B) inserted by [2023 asp 4 s. 10\(2\)](#)
- s. 17A(2B)(2C) inserted by [2023 asp 4 s. 10\(3\)\(a\)](#)
- s. 17B inserted by [2023 asp 4 s. 10\(4\)](#)
- s. 27(7A)(7B) inserted by [2023 asp 4 s. 8\(2\)\(b\)](#)