

Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Paragraph 1 is up to date with all changes known to be in force on or before 13 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 6

TRANSITIONAL PROVISIONS AND SAVINGS

Modifications etc. (not altering text)

- C1** Sch. 6 amended (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 70(1)**; S.I. 1998/2327, **art. 2(1)(y)(2)(u)**
Sch. 6 modified (*retrospectively*) by 1984 c. 47, s. 3(7), **Sch. para. 2(4)** (as inserted (1.10.1997) by 1997 c. 43, s. 42, **Sch. 2 para. 6(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)**)
Sch. 6 modified (*retrospectively*) by 1984 c. 47, s. 3(7), **Sch. para. 2(4)** (as substituted (1.10.1997) by 1997 c. 43, s. 42, **Sch. 2 para. 7(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)**)
Sch. 6: certain functions made exercisable in or as regards Scotland (30.6.1999) by S.I. 1999/1748, **art. 4(2)**, **Sch. 3 Pt. I paras. 5-8**, Pt. III para. 10(3)
Ss. 1-3, 5, 6(1)(a)(b)(i)(iii), 9, 11-13, 15-21, 27, Schs. 2, 6 extended (1.10.1997) by 1997 c. 43, 56(1), Sch. 1 paras. 10(2)(5), 11(2)-(4), Sch. 5 paras. 11(1)-(3), 12(1); S.I. 1997/2200, **art. 2(1)(n)** (subject to art. 5 of the said S.I.) (which amendment fell (30.9.1998) by reason of the repeal of Sch. 5 paras. 11(1), 12(1) by 1998 c. 37, s. 120(2), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(aa)(3)(x)** (subject to arts. 5-8 of the said S.I.)
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))

1 In this Schedule—

“existing provisions” means such provisions as relate to the detention or release of persons and are amended or repealed by this Act, as they had effect immediately before such amendment or repeal [^{F1}except that an amendment or repeal effected by any amendment shall apply for the purposes of the existing provisions if expressly stated to do so];

“new provisions” means sections 1 to 21 and 27 of this Act (together with the provisions of the [^{F2}1995 Act] and of the [^{F3}Mental Health (Care and Treatment) (Scotland) Act 2003] which so relate and are so amended [^{F4}by this Act][^{F5}and the Repatriation of Prisoners Act 1984 as it has effect by virtue of paragraphs 6 and 7 of Schedule 2 to the Crime (Sentences) Act 1997][^{F6}and section 33 of the Criminal Justice (Scotland) Act 2003 (asp 7)]);

“existing child detainee” means any child (“child” having the meaning assigned to that expression by [^{F7}section 93(2)(b) of the Children (Scotland) Act 1995]) who, at the relevant date, is detained under section 206 of the [^{F2}1995 Act] other than without limit of time or is detained in residential care by virtue of section 413 of the [^{F2}1995 Act];

“existing licensee” means any person who, before the relevant date, has been released on licence under the 1989 Act;

“existing life prisoner” means any person [^{F8}(other than a transferred life prisoner)] who, at the relevant date, is serving—

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- (a) a sentence of imprisonment for life;
 - (b) a sentence of detention without limit of time or for life under section 205 of the [^{F2}1995 Act];
 - (c) a sentence of detention without limit of time under section 206 of that Act; or
 - (d) a period of detention without limit of time or for life under section 207(2) of that Act;
- “existing prisoner” means any person who, at the relevant date, is serving—
- (a) a sentence of imprisonment; or
 - (b) a sentence of detention in a young offenders institution; and
- “relevant date” means the date of commencement of the new provisions.

Textual Amendments

- F1** Sch. 6 para. 1: words in the definition of "existing provisions" inserted (3.2.1995) by 1994 c. 33, s. 134(1)(a)(i); S.I. 1995/127, art. 2(1), Sch. 1
- F2** Words in Sch. 6 para. 1 substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 para. 86(2)
- F3** Sch. 6 para. 1: words in the definition of "new provisions" substituted (27.9.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), art. 2, Sch. 1 para. 23(3)
- F4** Sch. 6 para. 1: words in the definition of "new provisions" inserted (3.2.1995) by 1994 c. 33, s. 134(1)(a)(ii); S.I. 1995/127, art. 2(1), Sch. 1
- F5** Sch. 6 para. 1: words in the definition of "new provisions" inserted (1.10.1997) by 1997 c. 43, s. 55, Sch. 4 para. 16(2); S.I. 1997/2200, art. 2(1)(1)(2)(i)
- F6** Sch. 6 para. 1: words in the definition of "new provisions" inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. {s. 33(3)}, 89(2); S.S.I. 2003/288, art. 2, Sch.
- F7** Sch. 6 para. 1: words in the definition of "existing child detainee" substituted (1.4.1997) by 1995 c. 36, s. 105(4), Sch. 4 para. 56(3); S.I. 1996/3201, art. 3(7)
- F8** Sch. 6 para. 1: words in the definition of "existing life prisoner" inserted (27.7.1993) by 1993 c. 36, ss. 76(3)(a), 78(2)

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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\(2\)\(b\)](#)