



Prisoners and Criminal Proceedings (Scotland) Act 1993

1993 CHAPTER 9

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Early release

1 Release of short-term, long-term and life prisoners.

- (1) [^{F1}Subject to section 26A(4) of this Act,] as soon as a short-term prisoner [^{F2}, not being a prisoner to whom section 1AA of this Act applies,] has served one-half of his sentence the Secretary of State shall, without prejudice to any supervised release order to which the prisoner is subject, release him unconditionally.

[^{F3}(1A) Subsections (2) and (2A) apply as follows—

- (a) subsection (2) applies in relation to a long-term prisoner who is serving a sentence imposed before [^{F4}1st February 2016],
- (b) subsection (2A) applies in relation to a long-term prisoner who is—
 - (i) serving a sentence imposed on or after [^{F5}1st February 2016], and
 - (ii) not subject to an extended sentence within the meaning of section 210A of the 1995 Act.

(1B) For the purpose of subsection (1A), a sentence specified on appeal in substitution for a sentence imposed earlier is to be regarded as imposed when the earlier sentence was imposed.]

- (2) As soon as a long-term prisoner has served two-thirds of his sentence, the Secretary of State shall release him on licence [^{F6} unless he has before that time been so released, in relation to that sentence, under any provision of this Act].

[^{F7}(2A) As soon as a long-term prisoner has only 6 months of the prisoner's sentence left to serve, the Scottish Ministers must release the prisoner on licence unless the prisoner

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has previously been so released in relation to that sentence under any provision of this Act.]

- (3) After a long-term prisoner has served one-half of [^{F8}the prisoner's sentence, the Scottish Ministers must release the prisoner on licence if recommended to do so by the Parole Board].

[^{F9}(3A) Subsections (1) to (3) above are subject to [^{F10}sections 1A and 1B] of this Act.]

[^{F11}(3B) The Parole Board must publish, in such manner as it considers appropriate, the test it will apply in making a recommendation under subsection (3).]

(4)

^{F12}(5)

^{F12}(6)

^{F12}(7)

- (8) Schedule 1 to this Act, which makes special provision as respects the release of persons serving both a sentence of imprisonment imposed on conviction of an offence and a term of imprisonment or detention referred to in section 5(1)(a) or (b) of this Act, shall have effect.

[^{F13}(9) This section does not apply in relation to a person to whom section 1AB applies [^{F14}to the extent that the person is serving a sentence of imprisonment imposed in respect of an offence within section 1AB(2)].]

Textual Amendments

- F1** Words in s. 1(1) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 98(1)**; S.I. 1998/2327, **art. 2(1)(y)(2)(gg)** (subject to arts. 5-8)
- F2** Words in s. 1(1) inserted (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), **ss. 15(2)**; 24(2); S.S.I. 2006/48, **art. 3(1)**, Sch. Pt. 1
- F3** S. 1(1A) inserted (1.2.2016) by Prisoners (Control of Release) (Scotland) Act 2015 (asp 8), **ss. 1(2)(a)**, 3(2); S.S.I. 2015/409, **art. 2**
- F4** Words in s. 1(1A)(a) substituted (1.2.2016) by The Prisoners (Control of Release) (Scotland) Act 2015 (Commencement) Order 2015 (S.S.I. 2015/409), arts. 1, **3**
- F5** Words in s. 1(1A)(b)(i) substituted (1.2.2016) by The Prisoners (Control of Release) (Scotland) Act 2015 (Commencement) Order 2015 (S.S.I. 2015/409), arts. 1, **3**
- F6** Words in s. 1(2) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 98(2)**; S.I. 1998/2327, **art. 2(1)(y)(2)(gg)** (subject to transitional provisions in art. 7(1))
- F7** S. 1(2A) inserted (1.2.2016) by Prisoners (Control of Release) (Scotland) Act 2015 (asp 8), **ss. 1(2)(b)**, 3(2); S.S.I. 2015/409, **art. 2**
- F8** Words in s. 1(3) substituted (1.10.2020) by Management of Offenders (Scotland) Act 2019 (asp 14), **ss. 54(2)**, 63(2); S.S.I. 2020/283, reg. 2(p)
- F9** S. 1(3A) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 98(3)**; S.I. 1998/2327, **art. 2(1)(y)(2)(gg)** (subject to arts. 5-8)
- F10** Words in s. 1(3A) substituted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 52(2)(a)**
- F11** S. 1(3B) inserted (3.7.2023) by Management of Offenders (Scotland) Act 2019 (asp 14), **ss. 58(2)**, 63(2); S.S.I. 2023/182, reg. 2
- F12** S. 1(4)-(7) repealed (8.10.2001) by 2001 asp 7, **s. 1(2)**; S.S.I. 2001/274, **art. 3(3)**
- F13** S. 1(9) inserted (26.2.2020) by Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), **ss. 4(2)**, 10(4)

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F14 Words in s. 1(9) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 52(2)(b)**

Modifications etc. (not altering text)

- C1** S. 1 excluded (17.12.2001) by 2001 asp 13, s. 24(c) (with s. 29); S.S.I. 2001/456, **art. 2**
- C2** 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))
- C3** S. 1(1) applied (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 57, 59(1)**
- C4** S. 1(2)(3) modified (retrospectively) by 1984 c. 47, **Sch. para. 2(5)** (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)** (subject to art. 5))
S. 1(2)(3) modified (1.10.1997) by 1984 c. 47, **Sch. para. 2(5)** (as inserted (1.10.1997) by 1997 c. 43, s. 42, **Sch. 2 para. 7(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)** (subject to art. 5))
- C5** S. 1(3) modified (1.4.1995) by S.I. 1995/911, **art. 3(a)**
- C6** S. 1(3) applied (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 57, 59(1)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 1 modified (temp.) by [2007 asp 17 sch. 6 para. 2](#) (Effect superseded by substitution of [2007 asp 17, sch. 6](#) by [2010 asp 13, s. 19](#))

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