



# Prisoners and Criminal Proceedings (Scotland) Act 1993

## 1993 CHAPTER 9

### PART I

#### DETENTION, TRANSFER AND RELEASE OF OFFENDERS

##### *Early release*

#### **11 Duration of licence.**

- (1) Where a long-term prisoner is released on licence under this Part of this Act, the licence shall (unless revoked) remain in force until the entire period specified in his sentence (reckoned from the commencement of the sentence) has elapsed.
- (2) Where a life prisoner is so released, the licence shall (unless revoked) remain in force until his death.
- (3) Without prejudice to any order under [F<sup>1</sup>section 209] of the [F<sup>2</sup>1995 Act], where a short-term prisoner is released on licence—
  - (a) under section 3(1) of this Act, the licence shall (unless revoked) remain in force until
    - [F<sup>3</sup>(i) in the case of a person to whom section 1AB applies, the date on which, but for such release, the entire period specified in the prisoner's sentence (reckoned from the commencement of the sentence) has elapsed, and
    - (ii) in any other case,] under section 3(1) of this Act, the licence shall (unless revoked) remain in force until the date on which, but for [F<sup>4</sup>the release under section 3(1)], he would have been released under section 1(1) of this Act;
  - F<sup>5</sup>(b) .....

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*Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 11 is up to date with all changes known to be in force on or before 18 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*

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[<sup>F6</sup>(3ZA) Where a short-term prisoner is released on licence under section 1AB, the licence (unless revoked) remains in force until the entire period specified in the prisoner's sentence (reckoned from the commencement of the sentence) has elapsed.]

[<sup>F7</sup>(3A) Subsections (1) to (3) above do not apply in relation to release on licence under section 3AA of this Act.

(3B) A licence granted under section 3AA of this Act remains in force (unless it is revoked) until the date on which the released person would, but for his release under that section, fall to be released under section 1 of this Act.]

#### Textual Amendments

- F1** Words in s. 11(3) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 86(6)(a)**
- F2** Words in s. 11(3) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 86(2)**
- F3** Words in s. 11(3)(a) inserted (26.2.2020) by **Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), ss. 9(2)(a), 10(4)**
- F4** Words in s. 11(3)(a) substituted (26.2.2020) by **Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), ss. 9(2)(b), 10(4)**
- F5** S. 11(3)(b) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 102, **Sch. 10**; S.I. 1998/2327, **art. 2(1)(y)(aa)(2)(hh)(3)(u)** (with transitional provisions in arts. 5-8)
- F6** S. 11(3ZA) inserted (26.2.2020) by **Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), ss. 9(3), 10(4)**
- F7** S. 11(3A)(3B) inserted (3.7.2006 for specified purposes, otherwise 21.3.2008) by **Management of Offenders etc. (Scotland) Act 2005 (asp 14), ss. 15(8), 24(2)**; S.S.I. 2006/331, **art 3(4)(5)**; S.S.I. 2008/21, **art. 2(2)**

#### Modifications etc. (not altering text)

- C1** Ss. 1(4), 2, 2(4), 3, 11-13, 15, 17, 18, 19 extended (1.10.1997) 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)**; S.I. 1997/2200, **art. 2(1)(g)** (subject to art. 5) (which amending provisions were amended (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 paras. 135(a)(i)(d)(6)(a)(i)(b)**; S.I. 1998/2327, **art. 2(1)(y)(2)(oo)** (subject to arts. 5-8))
- Ss. 11-13 applied (with modifications) (1.10.1997) by S.I. 1997/1776, arts. 1, 2, **Sch. 1 paras. 5, 6, 7** (with transitional provisions in **art. 3, Sch. 2**); S.I. 1997/2200, **art. 2(1)(g)**

**Changes to legislation:**

Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 11 is up to date with all changes known to be in force on or before 18 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.

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**Changes and effects yet to be applied to :**

- s. 11(3A) words inserted by [2023 asp 4 s. 9\(6\)\(a\)](#)

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