



Prisoners and Criminal Proceedings (Scotland) Act 1993

1993 CHAPTER 9

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Early release

12 Conditions in licence.

- (1) A person released on licence under this Part of this Act shall ^[F1], subject to section 12A below,] comply with such conditions as may be specified in that licence by the Secretary of State.
 - (2) Without prejudice to the generality of subsection (1) above and to the power of the Secretary of State under subsection (3) below to vary or cancel any condition, a licence granted under this Part of this Act shall include a condition requiring that the person subject to it—
 - (a) shall be under the supervision of a relevant officer of such local authority ^[F2], of] ^[F3]an officer of a local probation board] appointed for or assigned to such ^[F4]local justice area] ^[F5]or (as the case may be) of an officer of a provider of probation services acting in such local justice area], as may be specified in the licence; and
 - (b) shall comply with such requirements as that officer may specify for the purposes of the supervision.
- ^[F6](2A) In its application to a licence granted under section 3AA of this Act, subsection (2) above is to be construed as if, for the words “shall include” there were substituted may include.]
- ^[F7](3) The Scottish Ministers may under subsection (1) above include on release and from time to time insert, vary or cancel a condition in a licence granted under this Part of this Act; but—

Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 12 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

- (a) in the case of a long-term or life prisoner released by the Scottish Ministers under subsection (1) of section 3 of this Act without consulting the Parole Board, no licence condition shall be inserted, varied or cancelled subsequent to the release except in accordance with the recommendations of the Parole Board; and
- (b) in the case of any other long-term or life prisoner, no licence condition shall be included on release, or subsequently inserted, varied or cancelled except in accordance with such recommendations.

[^{F8}(4A) Subsection (3)(b) above does not apply in relation to a condition in a licence granted under section 3AA of this Act; but in exercising their powers under this section in relation to a long-term prisoner released on such a licence the Scottish Ministers must have regard to any recommendations which the Parole Board has made for the purposes of section 1(3) of this Act as to conditions to be included on release.]]

Extent Information

- E1** S.12(2) extends to England and Wales and Scotland; s. 12 otherwise extends to Scotland only, see s. 48(5)(6)

Textual Amendments

- F1** Words in s. 12 inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 35(2)**, 89(2); [S.S.I. 2003/288](#), **art. 2**, Sch.
- F2** Words in s. 12(2)(a) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 3, **Sch. 1 para. 10(2)**
- F3** Words in s. 12(2)(a) substituted (1.4.2001) by [2000 c. 43](#), s. 74, **Sch. 7 Pt. 1 para. 4(1)(a)(2)**; [S.I. 2001/919](#), **art. 2(f)(i)**
- F4** Words in s. 12(2)(a) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, **Sch. para. 50(1)**
- F5** Words in s. 12(2)(a) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 3, **Sch. 1 para. 10(2)**
- F6** S. 12(2A) inserted (3.7.2006 for specified purposes, otherwise 21.3.2008) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), **ss. 15(9)(a)**, 24(2); [S.S.I. 2006/331](#), **art 3(4)(5)**; [S.S.I. 2008/21](#), **art. 2(2)**
- F7** S. 12(3) substituted (27.6.2003) for s. 12(3)(4) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 28(3)**, 89(2) (with saving in [S.S.I. 2003/287](#), **art. 2(2)(b)**); [S.S.I. 2003/288](#), **art. 2**, Sch.
- F8** S. 12(4A) inserted (3.7.2006 for specified purposes, otherwise 21.3.2008) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), **ss. 15(9)(b)**, 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**)

Changes to legislation:

Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 12 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. 12(4A) word substituted by [2023 asp 4 s. 9\(7\)\(a\)](#)
- s. 12(4A) words substituted by [2023 asp 4 s. 9\(7\)\(b\)](#)

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