



Prisoners and Criminal Proceedings (Scotland) Act 1993

1993 CHAPTER 9

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Early release

17 Revocation of licence.

[^{F1}(1) Where—

- (a) a long-term prisoner has been released on licence under this Part of this Act and is not detained as mentioned in section 12A(1)(a) or (b) of this Act; or
- (b) a life prisoner has been so released on licence and is not detained as mentioned in section 12A(1)(b) of this Act,

the Scottish Ministers—

- (i) shall, if recommended to do so by the Parole Board; or
- (ii) may, if revocation and recall are, in their opinion, expedient in the public interest and it is not practicable to await such a recommendation,

revoke the licence and recall the prisoner to prison.

(1A) Where a long-term prisoner or a life prisoner has been released on licence as mentioned in subsection (1) above, but is detained as mentioned in that subsection, the Scottish Ministers—

- (a) shall, if recommended to do so by the Parole Board; or
- (b) may, if revocation is, in their opinion, expedient in the public interest and it is not practicable to await such a recommendation,

revoke the licence.

Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 17 is up to date with all changes known to be in force on or before 24 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

- (1B) Where a short-term prisoner has been released on licence under section 3(1) of this Act, the Scottish Ministers may, whether or not he is detained as mentioned in section 12A(1)(b) of this Act—
- (a) revoke the licence; and
 - (b) where he is not so detained, recall him to prison,
- if they are satisfied that his health or circumstances have so changed that his release on licence is no longer justified.
- (2) The Scottish Ministers shall, on the [^{F2}return to prison of a person whose licence is revoked] under subsection (1), (1A) or (1B) above, inform that person of the reasons for the revocation.
- (3) The Scottish Ministers shall refer to the Parole Board the case of a person whose licence is revoked under subsection (1), (1A) or (1B) above.]
- (4) Where on a reference under subsection (3) above the Parole Board directs a prisoner's ^{F3}... release on licence, [^{F4}the Scottish Ministers must give effect to the direction without undue delay] .
- [^{F5}(4AA) Where the Parole Board directs the release of a prisoner under subsection (4) above it may recommend that the Scottish Ministers insert, vary or cancel conditions in the prisoner's licence.]
- [^{F6}(4A) Where the case of a prisoner to whom section 3A of this Act applies is referred to the Parole Board under subsection (3) above, subsection (4) of that section shall apply to that prisoner in place of subsection (4) above.]
- (5) On the revocation of the licence of any person under the foregoing provisions of this section, he shall be liable to be detained in pursuance of his sentence and, if at large, shall be deemed to be unlawfully at large.
- (6) A licence under this Part of this Act, other than the licence of a life prisoner, shall be revoked by the Secretary of State if all conditions in it have been cancelled; and where a person's licence has been revoked under this subsection the person shall be treated in all respects as if released unconditionally.
- [^{F7}(7) References in this section to release on licence do not include release on licence under section 3AA of this Act.]

Textual Amendments

- F1** S. 17(1)(1A)(1B)(2)(3) substituted (27.6.2003) for s. 17(1)-(3) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. {s. 36(4)}, 89(2); [S.S.I. 2003/288](#), **art. 2**, Sch.
- F2** Words in s. 17(2) substituted (11.10.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), **ss. 53(3)(a)**, 63(2); [S.S.I. 2019/309](#), **reg. 2**
- F3** Word in s. 17(4) repealed (1.10.2020) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), **ss. 53(3)(b)(i)**, 63(2); [S.S.I. 2020/283](#), **reg. 2(o)** (with **reg. 5**)
- F4** Words in s. 17(4) substituted (1.10.2020) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), **ss. 53(3)(b)(ii)**, 63(2); [S.S.I. 2020/283](#), **reg. 2(o)** (with **reg. 5**)
- F5** S. 17(4AA) inserted (8.10.2001) by [2001 asp 7](#), **s. 1(5)(c)**; [S.S.I. 2001/274](#), **art. 3(3)**
- F6** S. 17(4A) inserted (30.9.1998) by [1998 c. 37](#), s. 119, **Sch. 8 para. 105**; [S.I. 1998/2327](#), **art. 2(1)(y)(2) (hh)**

Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 17 is up to date with all changes known to be in force on or before 24 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

- F7** S. 17(7) added (3.7.2006 for specified purposes, otherwise 21.3.2008) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), **ss. 15(12)**, 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))

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 17(7) words inserted by [2023 asp 4 s. 9\(10\)](#)

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