



Prisoners and Criminal Proceedings (Scotland) Act 1993

1993 CHAPTER 9

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Early release

[^{F1}1AB Restricted eligibility for release on licence of terrorist prisoners

- (1) This section applies to a person other than a life prisoner (a “terrorist prisoner”) who—
 - (a) is serving a sentence of imprisonment imposed (whether before or after this section comes into force) in respect of an offence within subsection (2), and
 - (b) has not been released on licence.
 - (2) An offence is within this subsection (^{F2}whenever it was committed) if—
 - ^{F3}(a) it is specified in Part 1 or 2 of Schedule 1A (terrorism offences punishable with imprisonment for life or for more than two years),]
 - ^{F4}(b) it is a service offence as respects which the corresponding civil offence is so specified, or
 - (c) it was determined to have a terrorist connection.]
- [Subsections (3) to (5) apply unless the terrorist prisoner's sentence was imposed—
- ^{F5}(2A) (a) under section 205ZA or 210A of the 1995 Act (serious terrorism sentence or extended sentence for dangerous offenders),
 - (b) on or after the day on which section 28 of the Counter-Terrorism and Sentencing Act 2021 comes into force, and
 - (c) in respect of an offence that—
 - (i) is specified in Part 1 of Schedule 1A (terrorism offences punishable with imprisonment for life),

Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 1AB is up to date with all changes known to be in force on or before 16 February 2024. 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

- (ii) is a service offence as respects which the corresponding civil offence is so specified,
 - (iii) is specified in Part 3 of that Schedule (other offences punishable with imprisonment for life) and was determined to have a terrorist connection, or
 - (iv) is a service offence as respects which the corresponding civil offence is so specified, and was determined to have a terrorist connection.]
- (3) The Scottish Ministers must refer the case of a terrorist prisoner to the Parole Board—
- (a) as soon as the prisoner has served two-thirds of the prisoner's sentence, and
 - (b) where there has been a previous reference of the prisoner's case to the Parole Board under this subsection and the Parole Board did not recommend the prisoner's release, no later than the second anniversary of the disposal of that reference.
- (4) As soon as the Parole Board has recommended the release of a terrorist prisoner under this section in pursuance of a referral under subsection (3), the Scottish Ministers must release the prisoner on licence.
- (5) The Parole Board must not make a recommendation under subsection (4) unless it is satisfied that it is no longer necessary for the protection of the public that the terrorist prisoner should be confined.
- [For the purposes of this section, an offence was determined to have a terrorist ^{F6}(5A) connection if it was—
- (a) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008, or
 - (b) determined to have a terrorist connection under—
 - (i) section 30 or 32 of that Act, or
 - (ii) section 69 of the Sentencing Code (including as applied by section 238(6) of the Armed Forces Act 2006),
 (in the case of an offender sentenced in England and Wales or Northern Ireland, or for a service offence, but now subject to the provisions of this Part).
- (5B) Subsection (4) is subject to sections 1A and 1B.]
- (6) For the purposes of this section, “service offence” [^{F7}and “corresponding civil offence”] have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).
- (7) This section is subject to section 8 of the Terrorist Offenders (Restriction of Early Release) Act 2020 (transitional provision for terrorist prisoners subject to supervised release orders).]

Textual Amendments

- F1** S. 1AB inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\), ss. 3\(2\), 10\(4\)](#) (with s. 8)
- F2** Words in s. 1AB(2) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 52\(4\)\(a\)\(i\)](#)
- F3** S. 1AB(2)(a) substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), ss. 28\(2\)\(a\), 50\(2\)\(o\)](#)

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- F4** S. 1AB(2)(b)(c) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 52\(4\)\(a\)\(ii\)](#)
- F5** S. 1AB(2A) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 28\(2\)\(b\)](#), 50(2)(o)
- F6** S. 1AB(5A)(5B) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 52\(4\)\(b\)](#)
- F7** Words in s. 1AB(6) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 52\(4\)\(c\)](#)

Changes to legislation:

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