

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)

- 14 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall be amended in accordance with this paragraph.
- (2) In section 1 (release of prisoners)—
- (a) subsections (1) to (3) and (8) shall cease to have effect; and
 - (b) in subsection (4), for the word “discretionary” there shall be substituted the word “designated”.
- (3) In section 2 (duty to release discretionary life prisoners)—
- (a) in subsection (2)—
 - (i) for the words “subsection (1)(b)” there shall be substituted the words “subsection (1)”; and
 - (ii) before the word “life”, in both places where it occurs, there shall be inserted the word “designated”;
 - (b) in subsection (3), for the words “subsection (1)(a)” there shall be substituted the word “subsection (1)”; and
 - (c) for the word “relevant”, where it occurs in subsections (2), (8) and (9), there shall be substituted the word “designated”;
 - (d) for the word “discretionary” where it occurs in subsections (4), (6), (8) and (9) there shall be substituted the word “designated”; and
 - (e) in subsection (7), for paragraph (a) there shall be substituted the following paragraph—
 - “(a) where the prisoner is serving—
 - (i) a sentence of imprisonment for life; and
 - (ii) a sentence of imprisonment for a term of more than three months,before he has served five-sixths of the sentence mentioned in sub-paragraph (ii) above;”.
- (4) In section 3(2) (release on compassionate grounds), the words “any long-term prisoner or” shall cease to have effect.
- (5) Section 5 shall cease to have effect.
- (6) In section 6 (application of Act to young persons and children detained without limit of time), in subsection (1)—
- (a) paragraph (a) and the word “and” following that paragraph shall cease to have effect;

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- (b) in paragraph (b)(i) for the words “that Act” there shall be substituted the words “the 1995 Act”; and
- (c) for the words “prisoners (whether short-term, long-term or life)” there shall be substituted the words “life prisoners”.

(7) Sections 7 and 9 shall cease to have effect.

(8) In section 10 (life prisoners transferred to Scotland)—

- (a) for subsection (1) there shall be substituted the following subsection—

“(1) In a case where a transferred life prisoner transferred from England and Wales (whether before or after the commencement of this enactment) is a life prisoner to whom section 28 of the Crime (Sentences) Act 1997 (duty to release certain life prisoners) applies, this Part of this Act except sections 1(4) and 2(9) shall apply as if—

- (a) the prisoner were a designated life prisoner within the meaning of section 2 of this Act; and
- (b) the designated part of his sentence within the meaning of that section were the relevant part specified in an order or direction made under the said section 28.”;
- (b) in subsection (3)(a), for the word “discretionary” there shall be substituted the word “designated”;
- (c) in subsection (3)(b), for the word “relevant” there shall be substituted the word “designated”;
- (d) in subsection (5)(a), for the word “discretionary” there shall be substituted the word “designated”; and
- (e) in subsection (5)(b), for the words “section 34 of the said Act of 1991” there shall be substituted the words “the said section 28 of the Crime (Sentences) Act 1997”.

(9) For section 11 (duration of licences) there shall be substituted the following section—

“11 Duration of licences

- (1) Where a life prisoner is released on licence under this Part of this Act, the licence shall (unless revoked) remain in force until his death.
 - (2) Without prejudice to any order under section 209 of the 1995 Act (supervised release orders), where a prisoner is released on licence under section 3(1) of this Act, the licence shall (unless revoked) remain in force until the date on which, but for such release, he would have been released by virtue of section 34 of the Crime and Punishment (Scotland) Act 1997 (early release).
 - (3) For the purposes of fixing the date mentioned in subsection (2) above, there shall be taken into account—
 - (a) any early release days actually awarded to the prisoner under section 34 of that Act prior to his release; and
 - (b) the maximum number of such days which he could have been awarded had he remained in prison during the period when he was released on licence.”.
- (10) In section 12(3) (insertion, variation and cancellation of conditions in licences)—
- (a) the words “a long-term or” shall cease to have effect; and

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- (b) for the word “discretionary” there shall be substituted the word “designated”.
- (11) In section 14 (supervised release orders)—
- (a) in subsection (2)—
 - (i) the words from the beginning to “209(1) of the 1995 Act” shall cease to have effect; and
 - (ii) after the words “prison in Scotland” there shall be inserted the words “under Schedule 1 to the Crime (Sentences) Act 1997 in an unrestricted transfer within the meaning of that Schedule”; and
 - (b) in subsection (4), the words “short-term” shall cease to have effect.
- (12) Section 16 shall cease to have effect.
- (13) In section 17(1) (revocation of licence)—
- (a) in paragraph (a), the words “long-term or”; and
 - (b) paragraph (b),
- shall cease to have effect.
- (14) In section 20 (the Parole Board for Scotland), in subsection (3), paragraphs (a) and (b) and the word “and” following those paragraphs shall cease to have effect.
- (15) Section 24 shall cease to have effect.
- (16) In section 27 (interpretation)
- (a) in subsection (1)—
 - (i) the definitions of “short-term prisoner” and “long-term prisoner” shall cease to have effect; and
 - (ii) in the definition of “supervised release order” the words “(as inserted by section 14 of this Act)” and the words from “but” to the end shall cease to have effect; and
 - (b) subsections (2), (3), (5) and (6) shall cease to have effect.
- (17) Schedule 1 shall cease to have effect.
- (18) In Schedule 6 (transitional provisions and savings)—
- (a) for the word “relevant” in each place where it occurs in paragraph 6(2) and (3) and 6A(2), there shall be substituted the word “designated”; and
 - (b) for the word “discretionary” in each place where it occurs in paragraphs 6, 6A(2) and 7, there shall be substituted the word “designated”.