
STATUTORY INSTRUMENTS

1995 No. 910 (S.75)

PRISONS

**The Prisons (Scotland) Act 1989
(Release of Prisoners etc.) Order 1995**

Made - - - - *24th March 1995*
Coming into force - - *1st April 1995*

The Secretary of State, in exercise of the powers conferred upon him by sections 22(1A) and 28(1A) of the Prisons (Scotland) Act 1989⁽¹⁾ hereby makes the following Order a draft of which has been laid before and approved by resolution of each House of Parliament:

1.—(1) This Order may be cited as the Prisons (Scotland) Act 1989 (Release of Prisoners etc.) Order 1995 and shall come into force on 1st April 1995.

(2) In this Order “the Act” means the Prisons (Scotland) Act 1989.

2. The class of case specified in this Article is that of a prisoner serving a sentence of imprisonment for a term of less than 10 years which was imposed upon him before 1st October 1993.

3. In relation to the class of case specified in Article 2 above, section 22(1) and 28(1) of the Act shall each have effect subject to the modification that for the word “may” there shall be substituted the word “shall”.

St Andrew’s House, Edinburgh
24th March 1995

Fraser of Carmyllie
Minister of State, Scottish Office

⁽¹⁾ 1989 c. 45. Sections 22, 28 and 42(4) of the Act were repealed by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), Schedule 7, (but subject to the transitional and savings provisions in Schedule 6 to that Act) and were amended by section 134(2), (4), (5) and (6) of the Criminal Justice and Public Order Act 1994 (c. 33).

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies a class of case for the purposes of sections 22(1A) and 28(1A) of the Prisons (Scotland) Act 1989 (“the Act”).

The effect of Articles 2 and 3 of the Order is to provide that any prisoner serving a sentence of imprisonment of less than 10 years who was sentenced before 1st October 1993, shall be released on licence under section 22 of the Act by the Secretary of State where the Parole Board for Scotland so recommends. It also provides that where such a prisoner has been released on licence the Secretary of State will be required to revoke his licence and recall him to prison if the Parole Board so recommends.