

These notes relate to the Management of Offenders (Scotland) Act 2019 (asp 14) which received Royal Assent on 30 July 2019

MANAGEMENT OF OFFENDERS (SCOTLAND) ACT 2019

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part 4 – Prisoners: Control of Release, Being Unlawfully at Large Etc.

Section 48 – Release on licence under section 3AA of the 1993 Act

175. Section 48(2) amends the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”), removing the “four week” minimum period in custody before someone can be considered for release on licence and leaving in place only the “one quarter of the prison sentence” minimum period. This changes the minimum period that a person must be in custody before becoming eligible for home detention curfew (“HDC”) to one quarter of their sentence.
176. Section 48(3) also gives Ministers the ability to amend the minimum period that a person must be in custody before becoming eligible for HDC (set at one quarter of the sentence by section 48(2)). This could be done by referring instead to a particular length of time served or by substituting a proportion of a prisoner’s sentence. Subsection (4) clarifies that the provisions in section 3AA of the 1993 Act do not place the Parole Board under any duty to make a decision on parole, in relation to a long term prisoner, by a particular date.