



Management of Offenders (Scotland) Act 2019

2019 asp 14

PART 4

PRISONERS: CONTROL OF RELEASE, BEING UNLAWFULLY AT LARGE, ETC.

Control of release, etc.

PROSPECTIVE

51 Frequency of review of particular decisions

- (1) The 1993 Act is amended as follows.
- (2) In section 3A, after subsection (3) there is inserted—
 - “(3A) The Parole Board must give a prisoner to whom this section applies written notification of the process for having the prisoner's case referred to it under subsection (2) (including as subject to subsections (2A) to (3)).”
- (3) After section 3A there is inserted—

“3B Review of decisions as to determinate sentences

- (1) This section applies to—
 - (a) a prisoner serving a determinate sentence (apart from an extended sentence), and
 - (b) a prisoner serving an extended sentence (except such a sentence in relation to which a licence has been revoked under section 17(1) to (1B)).
- (2) A prisoner to whom this section applies is entitled to have a relevant decision in relation to the sentence reviewed by the Parole Board within 12 months from the date of the relevant decision.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Section 51. (See end of Document for details)

- (3) Here, a relevant decision is a decision of the Parole Board not to recommend the release of the prisoner on licence although the prisoner is otherwise eligible for release on licence.
- (4) A prisoner—
- (a) to whom this section applies, and
 - (b) who has been recalled to prison in respect of the sentence in accordance with the specified provisions (except where the recall relates to an extended sentence),
- is entitled to have the prisoner's case reviewed by the Parole Board within 12 months from the date of the prisoner's return to prison.
- (5) Here, the specified provisions are those in section 17(1) to (1B).
- (6) It is for the Parole Board to fix a date considered by it as appropriate for a review by virtue of subsection (2) or (4).
- (7) Neither subsection (2) nor (4) gives rise to an entitlement to a review if—
- (a) the prisoner has less of the sentence to serve than the 12 months mentioned in the particular subsection, or
 - (b) the prisoner has received another sentence of imprisonment, and the prisoner is not eligible for release from the other sentence until after the end of the 12 months mentioned in the particular subsection.
- (8) The Parole Board must—
- (a) in connection with subsection (2), give the prisoner reasons in writing for the relevant decision, and
 - (b) in connection with subsection (2) or (4), inform the prisoner in writing of the entitlement to a review (including as subject to subsections (6) and (7)).”

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Section 51.