



# Management of Offenders (Scotland) Act 2019 2019 asp 14

## PART 4

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

*Control of release, etc.*

### 57      **Operating protocol for release on licence under section 3AA of the 1993 Act**

- (1) The 1993 Act is amended as follows.
- (2) After section 21 there is inserted—

#### **“21A Operating protocol for release on licence under section 3AA**

- (1) The Scottish Ministers must prepare a document that describes—
  - (a) the process of risk assessment that is carried out before a prisoner is released on licence under section 3AA,
  - (b) the factors taken into account in carrying out such risk assessments,
  - (c) the procedures for monitoring a prisoner while released on licence under section 3AA,
  - (d) the process for investigating a suspected failure to comply with a condition included in a licence under section 3AA,
  - (e) the process by which a licence under section 3AA is revoked and a prisoner recalled to prison as a result.
- (2) The Scottish Ministers must—
  - (a) keep the document under review, and
  - (b) revise it to reflect any changes in the things it describes.
- (3) When preparing the first version of the document, or a revised version, the Scottish Ministers must consult—
  - (a) the Scottish Courts and Tribunals Service,

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*Status: This is the original version (as it was originally enacted).*

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- (b) the Parole Board,
  - (c) the chief constable of the Police Service of Scotland,
  - (d) local authorities,
  - (e) the Risk Management Authority.
- (4) Having prepared the first version of the document, or a revised version, the Scottish Ministers must—
- (a) make it publicly available, and
  - (b) lay a copy of it before the Scottish Parliament.
- (5) A copy of the first version of the document must be laid before the Scottish Parliament within 6 months of the Bill for the Management of Offenders (Scotland) Act 2019 receiving Royal Assent.”.