

SCHEDULE 4 JUSTICE

PART 8

RELEASE OF PRISONERS

Regulations under paragraph 19: procedure and expiry

- 20 (1) Regulations under paragraph 19(1) are subject to the affirmative procedure unless they fall within sub-paragraph (2).
- (2) Regulations fall within this sub-paragraph if they—
- (a) do not provide for the release of any person more than 180 days earlier than the person would otherwise be released, and
 - (b) contain a declaration that the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without them being subject to the affirmative procedure.
- (3) Regulations which fall within sub-paragraph (2)—
- (a) must be laid before the Scottish Parliament as soon as practicable after they are made, and
 - (b) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, they are approved by resolution of the Scottish Parliament.
- (4) In calculating the period of 28 days, no account is to be taken of any period during which the Scottish Parliament is—
- (a) in recess for more than 4 days, or
 - (b) dissolved.
- (5) If regulations cease to have effect as a result of sub-paragraph (3)(b), that does not—
- (a) affect anything previously done under the regulations,
 - (b) prevent the making of new regulations.
- (6) Subject to sub-paragraph (3)(b), regulations under paragraph 19(1) cease to have effect at the end of the period of 180 days beginning with the day on which they are made.
- (7) Nothing in sub-paragraph (6) prevents the Scottish Ministers—
- (a) revoking regulations under paragraph 19(1) before the end of the period mentioned in sub-paragraph (6),
 - (b) making further regulations under paragraph 19(1).