
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 417 (C. 23)

**CRIMINAL LAW
PRISONS**

**The Management of Offenders (Scotland)
Act 2019 (Commencement No. 3 and
Transitory Provision) Regulations 2019**

Made - - - - *4th December 2019*
Laid before the Scottish
Parliament - - - - *6th December 2019*
Coming into force - - *31st December 2019*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 63(2) and (3) of the Management of Offenders (Scotland) Act 2019⁽¹⁾.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Management of Offenders (Scotland) Act 2019 (Commencement No. 3 and Transitory Provision) Regulations 2019 and come into force on 31 December 2019.

(2) In these Regulations, “the 2019 Act” means the Management of Offenders (Scotland) Act 2019.

Appointed day

2. Subject to regulation 3, 31 December 2019 is the day appointed for the coming into force of section 44 (further appointment to membership) of the 2019 Act.

Transitory provision

3. In paragraph 2HB(3) of schedule 2 of the Prisoners and Criminal Proceedings (Scotland) Act 1993⁽²⁾ (as inserted by section 44 of the 2019 Act), the words “which in particular means that reappointment is for 5 years at a time”, do not apply until section 43 (appointment to be for fixed period) of the 2019 Act comes into force.

(1) 2019 asp 14.
(2) 1993 c. 9.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
4th December 2019

H YOUSAF
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force section 44 (further appointment to membership) of the Management of Offenders (Scotland) Act 2019 (“the 2019 Act”) on 31 December 2019.

Section 44 inserts new paragraphs 2DA, 2HA and 2HB into schedule 2 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 and repeals paragraphs 2E to 2H of that schedule. Paragraph 2DA provides that a person who has been a member of the Parole Board for Scotland, is eligible for appointment on a subsequent occasion, unless certain conditions apply. Paragraphs 2HA and 2HB provide for a new automatic reappointment procedure for members of the Parole Board for Scotland.

Regulation 3 makes a transitory provision to provide that the words “which in particular means that reappointment is for 5 years at a time” in paragraph 2HB(3) do not apply until the commencement of section 43 of the 2019 Act. When commenced, section 43 will provide that the maximum length of appointment is reduced from a period not shorter than six or longer than seven years, to a fixed period of five years beginning with the date of appointment. The transitory provision disapplies reference to reappointment for 5 years until such time as section 43 is commenced.

The Bill for the 2019 Act received Royal Assent on 30 July 2019. Sections 62 (ancillary provision), 63 (commencement) and 64 (short title) came into force on the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Management of Offenders (Scotland) Act 2019 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 16(1) (partially)	11 October 2019	S.S.I. 2019/309
Section 32	21 December 2019	S.S.I. 2019/413
Section 39	21 December 2019	S.S.I. 2019/413
Section 48	11 October 2019	S.S.I. 2019/309
Section 49	11 October 2019	S.S.I. 2019/309
Section 50(1), (2) and (4)	11 October 2019	S.S.I. 2019/309
Section 53(1) and (3)(a)	11 October 2019	S.S.I. 2019/309
Section 55	11 October 2019	S.S.I. 2019/309
Section 56	11 October 2019	S.S.I. 2019/309
Section 57	11 October 2019	S.S.I. 2019/309
Section 59	11 October 2019	S.S.I. 2019/309
Section 60	11 October 2019	S.S.I. 2019/309
Section 61	11 October 2019	S.S.I. 2019/309

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<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Schedule 1, paragraph 1	11 October 2019	S.S.I. 2019/309
Schedule 1, paragraph 3	11 October 2019	S.S.I. 2019/309
Schedule 1, paragraph 4	11 October 2019	S.S.I. 2019/309
Schedule 1, paragraph 5	11 October 2019	S.S.I. 2019/309