



# Prisons (Scotland) Act 1989

## 1989 CHAPTER 45

*[<sup>F1</sup>Remaining unlawfully at large*

### **[<sup>F1</sup>32C Meaning of remaining unlawfully at large**

- (1) Section 32A(1) is to be construed as provided for in (as applicable)—
  - (a) subsection (2), or
  - (b) subsection (3) (as read with subsections (4) to (7)).
- (2) In a case of a person to whom section 32A(1)(c) relates, the person remains unlawfully at large if the person—
  - (a) has been, orally or in writing—
    - (i) informed of the period of temporary release that is the subject of the person's licence, and
    - (ii) warned of the requirement to return to prison after the expiry of the period and of the offence and punishment available for failing to do so, and
  - (b) without reasonable excuse, fails to take all necessary steps in order to return to prison as soon as possible after the period of temporary release expires.
- (3) In a case of a person to whom section 32A(1)(a), (b) or (c) relates, the person remains unlawfully at large if the person—
  - (a) is given notification of the matter of being deemed to be unlawfully at large, and
  - (b) without reasonable excuse, fails to take all necessary steps in order to return to prison as soon as possible after notification of the matter is given to the person.
- (4) Notification of the matter to a person is to, as far as practicable—
  - (a) state the date from which the matter has arisen,
  - (b) state that the person has been recalled to prison (and record the reason for recall), and
  - (c) state—
    - (i) that the person must take all necessary steps in order to return to prison at the relevant time (as described in accompanying words), and

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*Changes to legislation: There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 32C. (See end of Document for details)*

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- (ii) that prosecution for an offence punishable by imprisonment or a fine (or both) could result if the person fails to do so.
- (5) Notification of the matter is given to a person where the person—
- (a) is actually notified of the matter orally or in writing, or
  - (b) is to be regarded as notified of the matter.
- (6) A person is to be regarded as notified of the matter if—
- (a) written notice of the matter—
    - (i) is sent or delivered to an appropriate address,
    - (ii) prescribes a specific period for the purposes of this subsection, and
    - (iii) bears to be signed and dated by or on behalf of the Scottish Ministers, and
  - (b) the specific period so prescribed in the notice expires.
- (7) An appropriate address is—
- (a) an address at which the person is, in accordance with the person's licence, permitted to reside or stay, or
  - (b) an address nominated, in accordance with the person's licence, for the purposes of this section.]

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#### **Textual Amendments**

- F1** Ss. 32A-32D and cross-heading inserted (11.10.2019) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), [ss. 59\(2\)](#), [63\(2\)](#); S.S.I. 2019/309, [reg. 2](#), [sch.](#) (with [reg. 4](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 32C.