

Status: Point in time view as at 01/10/1993. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, SCHEDULE 1 is up to date with all changes known to be in force on or before 27 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1(8).

CONSECUTIVE AND CONCURRENT TERMS OF IMPRISONMENT

General

- 1 This Schedule applies as respects the release of a person on whom there has been imposed—
- (a) a term of imprisonment on conviction of an offence (“his offence term”); and
 - (b) a term of imprisonment or detention mentioned in section 5(1)(a) or (b) of this Act (“his non-offence term”).

Consecutive terms of imprisonment

- 2 Where his offence term and his non-offence term are consecutive—
- (a) his offence term shall be taken to precede his non-offence term;
 - (b) notwithstanding section 1(1) to (3) of this Act, he shall not be released when he has served the proportion of his offence term mentioned in whichever of those subsections is (or are) relevant to the term in question but when he falls to be released by virtue of the application of section 5 of this Act to his non-offence term; and
 - (c) his non-offence term shall be taken as beginning on the date on which he would have been released under section 1(1) to (3) but for subparagraph (b) above.

VALID FROM 02/04/2006

[^{F1}Concurrent terms of imprisonment

Textual Amendments

- F1** Sch. 1 paras. 2, 2A and cross-heading to para. 2A substituted for Sch. 1 para. 2 (2.4.2006) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 32\(3\)\(a\), 89\(2\)](#); S.S.I. 2006/85, [art. 1\(2\)](#)

- 2A Where his offence term and his non-offence term are wholly or partly concurrent, section 1(1) to (3) of this Act (so far as relevant to the term in question and whether or not modified by section 5(2) of this Act or as read with section 220 of the 1995 Act (reduction of term in certain circumstances)) shall apply separately to each term (that is to say, in particular, he may be released as respects one of

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the terms even if he is not for the time being eligible for release as respects the other term).]

Wholly concurrent terms of imprisonment

- 3 Where his offence term and his non-offence term are wholly concurrent—
- (a) only the offence term shall be taken into account for the purposes of the provisions of this Part of this Act relating to his release; but
 - (b) he shall not be released under section 1(3) of this Act.

Partly concurrent terms of imprisonment

- 4 Where his offence term and his non-offence term are partly concurrent—
- (a) section 1(1) or (2), or as the case may be those provisions as modified by section 5(2), of this Act shall apply in relation to the term which is due to expire later and shall not apply to the term which is due to expire first; and
 - (b) if the term due to expire later is his offence term, section 1(3) of this Act shall apply in relation to it only if the person has served such proportion of his non-offence term as would, but for sub-paragraph (a) above, entitle him to release under section 1(1) or (2), as modified by section 5(2), of this Act.

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