



Prisoners and Criminal Proceedings (Scotland) Act 1993

1993 CHAPTER 9

PART I

DETENTION, TRANSFER AND RELEASE OF OFFENDERS

Early release

[^{F1}17A Recall of prisoners released under section 3AA

[^{F2}(1) Where a prisoner has been released on licence under section 3AA, the Scottish Ministers may revoke the licence and recall the person to prison if in their opinion the revocation and recall are expedient in the public interest.]

- (2) A person whose licence is revoked under subsection (1) above—
- (a) must, on his return to prison, be informed of the reasons for the revocation and of his right under paragraph (b) below; and
 - (b) may make representations in writing with respect to the revocation to the Scottish Ministers.

[Such representations must be made by a person—

- ^{F3}(2A) (a) within 6 months from when the person is informed as mentioned in subsection (2)(a), or
- (b) later as allowed by the Parole Board on cause shown by the person.]

(3) The Scottish Ministers are to refer to the Parole Board the case of any person who makes such representations.

(4) After considering the case the Parole Board may direct, or decline to direct, the Scottish Ministers to cancel the revocation.

^{F4}(5)

Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 17A is up to date with all changes known to be in force on or before 12 March 2024. 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) [View outstanding changes](#)

[Despite the cancellation of the revocation of a person's licence by virtue of ^{F5}(5A) subsection (4), the person's recall to prison remains effective.

(5B) Where a person's recall to prison remains effective under subsection (5A), the Scottish Ministers must consider whether the person should again be released under section 3AA.]

(6) On the revocation under this section of a person's licence, he shall be liable to be detained in pursuance of his sentence and, if at large, shall be deemed to be unlawfully at large.]

Textual Amendments

- F1** S. 17A inserted (3.7.2006 for specified purposes, otherwise 21.3.2008) by [Management of Offenders etc. \(Scotland\) Act 2005](#) (asp 14), **ss. 15(13)**, 24(2); S.S.I. 2006/331, **art 3(4)(5)**; S.S.I. 2008/21, **art. 2(2)**
- F2** S. 17A(1) substituted (11.10.2019) by [Management of Offenders \(Scotland\) Act 2019](#) (asp 14), **ss. 50(2)**, 63(2); S.S.I. 2019/309, reg. 2 (with reg. 3)
- F3** S. 17A(2A) inserted (1.10.2020) by [Management of Offenders \(Scotland\) Act 2019](#) (asp 14), **ss. 50(3)**, 63(2); S.S.I. 2020/283, reg. 2(m) (with reg. 4)
- F4** S. 17A(5) repealed (11.10.2019) by [Management of Offenders \(Scotland\) Act 2019](#) (asp 14), **ss. 50(4)(a)**, 63(2); S.S.I. 2019/309, reg. 2
- F5** S. 17A(5A)(5B) inserted (11.10.2019) by [Management of Offenders \(Scotland\) Act 2019](#) (asp 14), **ss. 50(4)(b)**, 63(2); S.S.I. 2019/309, reg. 2

Changes to legislation:

Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 17A is up to date with all changes known to be in force on or before 12 March 2024. 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.

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Changes and effects yet to be applied to :

- s. 17A(1) words inserted by [2023 asp 4 s. 9\(11\)\(a\)](#)
- s. 17A(3) words substituted by [2023 asp 4 s. 10\(3\)\(b\)](#)
- s. 17A(5B) words inserted by [2023 asp 4 s. 9\(11\)\(b\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3A(3A) inserted by [2019 asp 14 s. 51\(2\)](#)
- s. 3B inserted by [2019 asp 14 s. 51\(3\)](#)
- s. 3B(1)(a) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(a\)](#)
- s. 3B(1)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(b\)\(i\)](#)
- s. 3B(1)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(b\)\(ii\)](#)
- s. 3B(4)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(c\)](#)
- s. 3C-3E and cross-heading inserted by [2023 asp 4 s. 11\(2\)](#)
- s. 3AA(4)(aa) inserted by [2023 asp 4 s. 9\(4\)\(b\)\(ii\)](#)
- s. 3AA(7A) inserted by [2023 asp 4 s. 9\(4\)\(d\)](#)
- s. 3AB3AC inserted by [2023 asp 4 s. 9\(5\)](#)
- s. 11(3C)(3D) inserted by [2023 asp 4 s. 9\(6\)\(b\)](#)
- s. 12(3A) inserted by [2023 asp 4 s. 11\(3\)](#)
- s. 12AA(7) inserted by [2023 asp 4 s. 9\(8\)\(d\)](#)
- s. 12ZA inserted by [2023 asp 4 s. 11\(4\)](#)
- s. 16(2A) inserted by [2016 asp 1 s. 86\(4\)](#)
- s. 17(2A)(2B) inserted by [2023 asp 4 s. 10\(2\)](#)
- s. 17A(2B)(2C) inserted by [2023 asp 4 s. 10\(3\)\(a\)](#)
- s. 17B inserted by [2023 asp 4 s. 10\(4\)](#)
- s. 27(7A)(7B) inserted by [2023 asp 4 s. 8\(2\)\(b\)](#)