



# Terrorist Offenders (Restriction of Early Release) Act 2020

## 2020 CHAPTER 3

### *Restriction of early release in Scotland*

#### **3 Eligibility for release on licence of terrorist prisoners: Scotland**

- (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.
- (2) After section 1AA insert—

##### **“1AB Restricted eligibility for release on licence of terrorist prisoners**

- (1) This section applies to a person other than a life prisoner (a “terrorist prisoner”) who—
  - (a) is serving a sentence of imprisonment imposed (whether before or after this section comes into force) in respect of an offence within subsection (2), and
  - (b) has not been released on licence.
- (2) An offence is within this subsection (whether it was committed before or after this section comes into force) if—
  - (a) it is specified in Part 1 of Schedule 1A (offences under counter-terrorism legislation),
  - (b) it is specified in Part 2 of that Schedule and was determined by the court to have had a terrorist connection under section 31 or (in the case of a person sentenced in England and Wales or Northern Ireland and now subject to the provisions of this Part relating to early release) section 30 of the Counter-Terrorism Act 2008 (sentences for certain offences with a terrorist connection), or
  - (c) it is a service offence as respects which the corresponding civil offence is an offence specified in Part 2 of that Schedule and was determined by the service court to have had a terrorist connection

under section 32 of that Act (sentences for certain offences with a terrorist connection: armed forces).

- (3) The Scottish Ministers must refer the case of a terrorist prisoner to the Parole Board—
  - (a) as soon as the prisoner has served two-thirds of the prisoner's sentence, and
  - (b) where there has been a previous reference of the prisoner's case to the Parole Board under this subsection and the Parole Board did not recommend the prisoner's release, no later than the second anniversary of the disposal of that reference.
- (4) As soon as the Parole Board has recommended the release of a terrorist prisoner under this section in pursuance of a referral under subsection (3), the Scottish Ministers must release the prisoner on licence.
- (5) The Parole Board must not make a recommendation under subsection (4) unless it is satisfied that it is no longer necessary for the protection of the public that the terrorist prisoner should be confined.
- (6) For the purposes of this section, "service offence", "corresponding civil offence" and "service court" have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).
- (7) This section is subject to section 8 of the Terrorist Offenders (Restriction of Early Release) Act 2020 (transitional provision for terrorist prisoners subject to supervised release orders)."

(3) After Schedule 1 insert, as Schedule 1A, the Schedule set out in Schedule 2 to this Act.

#### **4 Disapplication of existing release provisions: Scotland**

- (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.
- (2) In section 1 (early release of short-term, long-term and life prisoners) after subsection (8) insert—
  - "(9) This section does not apply in relation to a person to whom section 1AB applies."
- (3) In section 1AA (short-term prisoners: early release of certain sexual offenders) after subsection (8) insert—
  - "(9) This section does not apply in relation to a person to whom section 1AB applies."
- (4) In section 3AA (further powers to release prisoners) after subsection (7) insert—
  - "(8) This section does not apply in relation to a person to whom section 1AB applies."
- (5) In section 5 (application of Part to fine defaulters and persons in contempt of court)—
  - (a) in subsection (2) at the beginning insert "Subject to subsection (2A).", and
  - (b) after subsection (2) insert—
    - "(2A) Subsection (2) does not apply in relation to a person to whom section 1AB applies."

(6) In section 7 (children detained in solemn proceedings)—

(a) in subsection (5)(a) after “sections” insert “1AB,” and

(b) after subsection (7) insert—

“(8) This section (other than subsection (5)) does not apply in relation to a person to whom section 1AB applies.”

(7) In section 9 (persons liable to removal from the United Kingdom) after subsection (1) insert—

“(1A) Subsection (1) does not apply in relation to a person to whom section 1AB applies.”