

Legislation: Release (long term prisoners)

Prisoners and Criminal Proceedings (Scotland) Act 1993, as amended

- A long term prisoner (serving a sentence of 4 years or more) and including those subject to Extended Sentence, may be released on licence after serving one half of the sentence imposed if this is recommended by the Parole Board.
- Otherwise long term prisoners must be released on a Non-Parole licence after serving two thirds of the sentence. Any prisoner released on licence is liable to recall to custody for breach of licence conditions by the Scottish Ministers and subject to review by the Parole Board.
- As with short term prisoners the court may also return a long term prisoner to custody under section 16 of the 1993 Act if he is convicted of a further imprisonable offence.
- A life sentence prisoner is sentenced to life imprisonment and has a punishment part that is set by the sentencing court. Such prisoners may only be considered for early release by the Parole Board when they have served the punishment part of sentence in full. Life prisoners who breach the terms of their licence are subject to recall to custody for the full length of licence which is for the remainder of their life.

The Management of Offenders (Scotland) Act 2005

- Introduces discretionary powers to release prisoners on a home detention curfew.

This legislation is available online a <http://www.opsi.gov.uk/legislation>