

## **Legislation: Release (short term prisoners)**

### **Prisoners and Criminal Proceedings (Scotland) Act 1993**

- A short term prisoner (serving less than 4 years) is automatically released after serving half of the sentence imposed by the court. This release is unconditional in that they are not subject to recall. Should the offender be convicted of a further imprisonable offence before the sentence expires, under section 16 of the 1993 Act, the court may order return to custody for up to the balance of the original sentence.
- Extended Sentence prisoners' serving less than 4 years are also released at the half-way point of their sentence and are on licence until the end of the extension period. They are subject to section 16 of the 1993 Act in the same way as any other short term prisoner.

### **The Management of Offenders (Scotland) Act 2005**

- Introduces discretionary use of home detention curfews to release short term prisoners earlier than present automatic release.

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