

CRIMINAL JUSTICE (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT THE ACT IS IN 12 PARTS.

Part 4 – Prisoners

Release of prisoners

Section 29 – Release on licence: life prisoners

134. **Section 29** amends section 2 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”) to provide that in certain circumstances where a life prisoner who has served the punishment part of a life sentence receives a further sentence (either for life or for a term) that prisoner will not have the right to require that his or her case should be reviewed by the Parole Board at a maximum interval of 2 years, as is presently the case. It also makes a minor consequential amendment to section 5 of the 1993 Act.
135. **Section 29(2)** inserts new subsections (5AB) to (5AD) into section 2 of the 1993 Act. Subsection (5AB), read with subsection (5AD), provides that where a life prisoner, who has served the punishment part, is given one or more other sentences (whether determinate or indeterminate) at a time between his or her case being referred to the Parole Board and a date being fixed for its determination, the Board may, in fixing a date under section 2(5A)(b) of the 1993 Act for the next review of the case, set a date which is, if the Board considers it appropriate, more than 2 years ahead.
136. New subsection (5AC), read with subsection (5AD), provides that where a life prisoner receives any other sentence after his or her case has been referred to the Parole Board and a date has been fixed by the Board for considering the prisoner's case, or where the Board has fixed a date for a subsequent consideration for parole, then in such circumstances the Parole Board shall fix a different date for considering the case and that the date shall be that on which the prisoner would be eligible to be released, or to be considered for release from all such other sentences, or a date that is as soon as practicable after that date.
137. **Section 29(2)** additionally amends section 2(7) of the 1993 Act to provide that until the “appropriate part” of any further determinate term of imprisonment has been served, the life prisoner may not require the Scottish Ministers to refer his or her case to the Parole Board. Subsection (7A), which is inserted into section 2 of the 1993 Act, defines the “appropriate part of the term”.
138. Finally, section 29(2) amends section 2(9) of the 1993 Act so that those with more than one life sentence need to serve the punishment part of any such sentence before being eligible for parole.