

CRIMINAL JUSTICE (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT THE ACT IS IN 12 PARTS.

Part 4 – Prisoners

Release of prisoners

Section 32 – Release etc. under 1993 Act of prisoner serving consecutive or concurrent offence and non-offence terms

141. [Section 32](#) amends the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”).
142. [Section 32\(2\)](#) adds a new subsection (4A) to section 27 of the 1993 Act to define the meaning of the terms “wholly concurrent” and “partly concurrent”. It provides that terms of imprisonment will be wholly concurrent if they are imposed on, and expire on, the same date. Terms will be partly concurrent if they are imposed on the same date but expire on different dates, or if they overlap but are imposed on different dates.
143. [Section 32\(3\)](#) amends Schedule 1 to the 1993 Act in relation to offence and non-offence terms which are consecutive or wholly or partly concurrent. Schedule 1 defines an “offence term” as a term of imprisonment on conviction of an offence and a “non-offence term” as a term of imprisonment or detention mentioned in section 5(1)(a) or (b) of the 1993 Act, namely a term imposed for non-payment of a fine or contempt of court.
144. [Section 32\(3\)\(a\)](#) replaces paragraph 2 of Schedule 1 (consecutive terms) with a new paragraph 2 to provide that where an offence term and a non-offence term are consecutive, the second term will be taken as beginning on the date following the person’s release from the first term. Where an offence term and a non-offence term are consecutive but have been imposed on the same date, the non-offence term will follow the offence term.
145. [Section 32\(3\)\(a\)](#) also adds a new paragraph 2A to Schedule 1 to the 1993 Act. It provides that where offence and non-offence terms are wholly or partly concurrent, the early release provisions contained in sections 1(1) to (3) and 5(2) of the 1993 Act shall apply separately to each term.
146. [Section 32\(3\)\(b\)](#) repeals paragraph 3 and 4 of Schedule 1 to the 1993 Act, which set out how the early release provisions contained in section 1 of the 1993 Act applied to offence and non-offence terms that were wholly or partly concurrent. Those paragraphs have been superseded by the new provisions in paragraph 2A, described above.