



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 4

PRISONERS ETC.

Release of prisoners

29 Release on licence: life prisoners

- (1) The 1993 Act is amended as follows.
- (2) In section 2 (which provides, among other things, for consideration by the Parole Board of whether a life prisoner should be released on licence)—
 - (a) in subsection (5A)(b), after the word “being” there is inserted “, subject to subsections (5AB) to (5AD) below,”;
 - (b) after that subsection there is inserted—

“(5AB) Where a reference has been made to the Parole Board under any of the provisions mentioned in subsection (5A) above and the prisoner receives another sentence of imprisonment (whether for life or for a term) before a date has been fixed for considering his case, the Board shall, if he would not be eligible for release from the other sentence on the date which would (apart from this subsection) have been fixed for considering his case, fix a date (other than that date) for considering his case.

- (5AC) Where, at any time after such a reference has been made—
- (a) a date has been fixed for considering the prisoner’s case; or
 - (b) following the disposal of the reference, a date has been fixed under subsection (5A)(b) above,

and, before that date, the prisoner receives any other sentence of imprisonment (whether for life or for a term), the Board shall, if he would not be eligible for release from any such other sentence on that date, fix a different date for considering his case (and where he receives any further sentence of imprisonment from which he would

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not be eligible for release on that different date, the Board shall fix a further different date).

(5AD) Any date fixed under subsection (5AB) or (5AC) above shall—

(a) be—

(i) the date on which the prisoner would be eligible to be released, or considered for release, from all such other sentences (subject to any change to the date on which he would be so eligible); or

(ii) a date as soon as practicable after that date; and

(b) replace any date previously fixed for considering the prisoner’s case.”;

(c) in—

(i) subsection (5B); and

(ii) subsection (5C),

after the words “subsection (5A)(b)” there is in each case inserted “, (5AB) or (5AC)”;

(d) for subsection (7) there is substituted—

“(7) No requirement shall be made under subsection (6) above by a life prisoner who is also serving or liable to serve a sentence of imprisonment for a term, before he has served the appropriate part of the term.

(7A) The appropriate part of the term is—

(a) one half, where the term is—

(i) less than 4 years; or

(ii) 4 years or more and is imposed by a sentence of imprisonment on conviction of an offence; or

(b) two thirds, where the term is 4 years or more and is a term of imprisonment or detention mentioned in section 5(1)(a) or (b) of this Act.

(7B) Section 5(1) of this Act, in so far as relating to the construction of references to sentences of imprisonment, does not apply to subsection (7A)(b) above.”; and

(e) in subsection (9), after the word “serving” there is inserted “ or is liable to serve ”.

(3) In section 5(1) (which applies, with modification, the provisions of the 1993 Act concerning persons sentenced to imprisonment, or detention, on conviction of an offence to persons on whom imprisonment, or detention, has been imposed for non-payment of fine or for contempt of court), for the words “section 1(8)” there is substituted “ sections 1(8) and 2(7B) ”.

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Changes and effects yet to be applied to :

- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2003/439 art. 23Sch.](#) (Effect not applied to [legislation.gov.uk](#). This S.S.I. is revoked (1.10.2003) by S.S.I. 2003/475, art. 4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16D inserted by [2023 asp 4 s. 14\(3\)](#)
- s. 16ZA inserted by [2023 asp 4 s. 14\(2\)](#)
- s. 17E(6) inserted by [2023 asp 4 s. 14\(7\)\(d\)](#)
- s. 17DA inserted by [2023 asp 4 s. 14\(6\)](#)
- s. 17ZA inserted by [2023 asp 4 s. 14\(4\)](#)
- s. 18A(5) inserted by [2023 asp 4 s. 14\(8\)\(b\)](#)