



# Criminal Justice (Scotland) Act 2003

## 2003 asp 7

### PART 4

#### PRISONERS ETC.

##### *Release of prisoners*

### **31 Release: prisoners serving extended sentences**

In section 3A (re-release of prisoners serving extended sentences) of the 1993 Act—

- (a) in subsection (1)—
  - (i) at the beginning there is inserted “ Subject to subsection (1A) below,  
”;  
and
  - (ii) for the words “who has been recalled to prison under section 17(1)” there is substituted “ and in respect of whom a licence has been revoked under section 17(1) to (1B) ”;
- (b) after subsection (1) there is inserted—

“(1A) This section does not apply to such a prisoner if he has, in addition to the sentence in relation to which his recall to prison applies, been sentenced to imprisonment for life and has not been released from that sentence.”;
- (c) in subsection (2), in paragraph (a), for the words “disposal of that referral” there is substituted “ Board’s disposal of his case ”;
- (d) after that subsection there is inserted—

“(2A) Where—

  - (a) a prisoner’s case has been referred to the Parole Board under this section or section 17(3) of this Act; and
  - (b) the prisoner receives another sentence of imprisonment before the Board has considered his case,

the Board shall not consider his case unless there is a further referral of his case to the Board under this section.

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**Changes to legislation:** *Criminal Justice (Scotland) Act 2003, Section 31 is up to date with all changes known to be in force on or before 30 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (2B) A case which, by virtue of subsection (2A) above, is not considered by the Parole Board shall not, for the purposes of subsection (2)(a) above, be treated as having been disposed of.”; and
- (e) in subsection (3)—
- (i) for the word “sentence” in the second place where it appears there is substituted “ term ”; and
  - (ii) for the words “has served one half of” there is substituted “ would be eligible to be released, or considered for release, from ”.

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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\(8\)\(b\)](#)