



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 4

PRISONERS ETC.

Release of prisoners

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

- (1) The 1993 Act is amended as follows.
- (2) In section 27 (interpretation of Part I), after subsection (4) there is inserted—

“(4A) For the purposes of this Part of this Act, a term of imprisonment or detention—

 - (a) is wholly concurrent with another such term (or other such terms) if—
 - (i) it is imposed on the same date as that other term (or terms); and
 - (ii) it expires on the same date as that other term (or terms); and
 - (b) is partly concurrent with another such term (or other such terms) if—
 - (i) it is imposed on the same date as, and expires on a different date from, that other term (or terms); or
 - (ii) it is imposed on a different date from, but before the expiry of, that other term (or terms).”.
- (3) In Schedule 1 (which makes special provision as respects eligibility for early release from consecutive or wholly or partly concurrent offence and non-offence terms of imprisonment or detention)—
 - (a) for paragraph 2 (consecutive terms) there is substituted—

“2

 - (1) Where his offence term and his non-offence term are consecutive, whichever term follows the other shall be taken as beginning on the day after he is released as respects the other term.

Changes to legislation: Criminal Justice (Scotland) Act 2003, Section 32 is up to date with all changes known to be in force on or before 08 April 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](#)

- (2) For the purposes of sub-paragraph (1) above, where his offence term and his non-offence term are imposed on the same date, his non-offence term shall be taken to follow his offence term.

2A **Concurrent terms of imprisonment**

Where his offence term and his non-offence term are wholly or partly concurrent, section 1(1) to (3) of this Act (so far as relevant to the term in question and whether or not modified by section 5(2) of this Act or as read with section 220 of the 1995 Act (reduction of term in certain circumstances)) shall apply separately to each term (that is to say, in particular, he may be released as respects one of the terms even if he is not for the time being eligible for release as respects the other term).”; and

- (b) paragraphs 3 (wholly concurrent terms) and 4 (partly concurrent terms) are repealed.

Changes to legislation:

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