



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 4

PRISONERS ETC.

Release of prisoners

33 Prisoners repatriated to Scotland

- (1) In the Repatriation of Prisoners Act 1984 (c. 47)—
- (a) in subsection (9) of section 3 (transfer into the United Kingdom), the words “or section 10 of the Prisoners and Criminal Proceedings (Scotland) Act 1993” and “or, as the case may be, Scotland” are repealed; and
 - (b) in the Schedule (operation of certain enactments in relation to the prisoner)—
 - (i) for paragraph 2 there is substituted—

“2 Early release

- (1) In determining, for the purposes of sections 1(1) to (3), 2(2) and (7) and 7(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), in their application to prisoners repatriated to Scotland (eligibility for early release from a sentence), whether the prisoner has at any time served a particular proportion or part of the sentence, the sentence shall, subject to sub-paragraph (2) below, be deemed to begin with the day on which the relevant provisions take effect.
- (2) If the warrant specifies a period to be taken into account for the purposes of section 1(3) or 2(2) or (7) of that Act (eligibility of long-term and life prisoners as respects release on licence)—
 - (a) the amount of time the prisoner has served; and
 - (b) where the sentence is a determinate one, the sentence,

Changes to legislation: *Criminal Justice (Scotland) Act 2003, Section 33 is up to date with all changes known to be in force on or before 03 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*

shall, so far only as the question whether he has served any particular proportion or part of the sentence is concerned, be deemed to be increased by that period.

- (3) The question whether the prisoner is a short-term or a long-term prisoner for the purposes of any of the sections mentioned in sub-paragraph (1) above shall be determined by reference to the length of the sentence imposed in the country or territory from which he is transferred.
 - (4) For the purposes of Schedule 6 to that Act, a prisoner's sentence shall be deemed to have been imposed on the day on which the relevant provisions take effect.
 - (5) In this paragraph, "sentence", except in sub-paragraph (3) above, means the provision included in the warrant which is equivalent to a sentence."; and
 - (ii) paragraph 3 is repealed.
- (2) Subsection (1)(b)(i) applies in relation to prisoners repatriated to Scotland on or after the coming into force of this section any of whose sentences in the country or territory from which they are transferred were imposed on or after 1st October 1993.
 - (3) In paragraph 1 of Schedule 6 (transitional provisions and savings) to the 1993 Act, in the definition of "new provisions", after the words "1997" there is inserted " and section 33 of the Criminal Justice (Scotland) Act 2003 (asp 7) ".
 - (4) In paragraph 7 of Schedule 2 (repatriation of prisoners to the British Islands) to the Crime (Sentences) Act 1997 (c. 43), in sub-paragraph (1), for the words from "for" to the end there is substituted " but before the commencement of section 33 of the Criminal Justice (Scotland) Act 2003 (asp 7) ".

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