



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Release on licence, etc.

^{F1}22

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Textual Amendments

F1 S. 22 repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)** (and modified (1.4.1995) by S.I. 1995/910, **art. 3**; extended (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 10(2), 11(2), Sch. 5 paras. 11(2)(a), **12(2)(a)(c)**; S.I. 1997/2200, **art. 2(1)(g)(n)** (with art. 5)) and s. 22 further amended (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), **ss. 27(2), 89(2)**; S.S.I. 2003/288, art. 2, Sch.

Modifications etc. (not altering text)

C1 Ss. 18, 19(4), 22, 24, 26, 28, 29, 30, 32, 39, 43, Sch. 1: certain functions made exercisable in Scotland (30.6.1999) by S.I. 1999/1748, **art. 4(2)**, Sch. 3 Pts. II, III paras. 5-9

[^{F2}22A Suspension of licence conditions

- (1) Where a prisoner, who has been released on licence under section 22 of this Act as respects a sentence of imprisonment—
 - (a) continues, by virtue of any enactment or rule of law, to be detained in prison notwithstanding such release; or
 - (b) is, by virtue of any enactment or rule of law, detained in prison subsequent to the date of such release but while the licence remains in force,the conditions in the licence, other than those mentioned in subsection (3) below, shall by virtue of such detention be suspended.
- (2) The suspension of the conditions shall have effect for so long as—
 - (a) the prisoner is so detained; and
 - (b) the licence remains in force.

Changes to legislation: There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Cross Heading: Release on licence, etc.. (See end of Document for details)

- (3) The conditions are any conditions, however expressed, requiring the prisoner—
 - (a) to be of good behaviour and to keep the peace; or
 - (b) not to contact a named person or class of persons (or not to do so unless with the approval of a person specified in the licence by virtue of section 22(7) of this Act).
- (4) The Scottish Ministers may by order amend subsection (3) above by—
 - (a) adding to the conditions mentioned in that subsection such other conditions as they consider appropriate; or
 - (b) cancelling or varying a condition for the time being mentioned in that subsection.]

Textual Amendments

F2 S. 22A inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 34(3)**, 89(2); S.S.I. 2003/288, art. 2, Sch.

F3 **23**

Textual Amendments

F3 S. 23 repealed (1.10.1993) by [1993 c. 9, s. 47\(3\)](#), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)** and s. 23 further amended (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), s. 89(2), **Sch. 5**; S.S.I. 2003/288, art. 2, Sch.

F4 **24**

Textual Amendments

F4 S. 24 repealed (1.10.1993) by [1993 c. 9, s. 47\(3\)](#), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)** (and amended (1.10.1997) by [1997 c. 43, ss. 41, 56\(1\)](#), Sch. 1 Pt. II paras. 10(2), 11(2), Sch. 5 paras. 11(2)(a), **12(2)(a)(c)**; S.I. 1997/2200, **art. 2(1)(g)(n)** (with art. 5))

Modifications etc. (not altering text)

C2 Ss. 18, 19(4), 22, 24, 26, 28, 29, 30, 32, 39, 43, Sch. 1: certain functions made exercisable in Scotland (30.6.1999) by [S.I. 1999/1748](#), art. 4(2), Sch. 3 Pts. **II, III** paras. 5-9

F5 **25**

Textual Amendments

F5 S. 25 repealed (1.10.1993) by [1993 c. 9, s. 47\(3\)](#), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.

Changes to legislation: There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Cross Heading: Release on licence, etc.. (See end of Document for details)

F626

Textual Amendments

F6 S. 26 repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)** (and amended (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 10(2) (5), 11(2)(4), Sch. 5 paras. 11(1)(c)(d)(2)(a)(3), **12(1)(c)(2)(a)(c)**; S.I. 1997/2200, **art. 2(1)(g)(n)** (with art. 5))

Modifications etc. (not altering text)

C3 Ss. 18, 19(4), 22, 24, 26, 28, 29, 30, 32, 39, 43, Sch. 1: certain functions made exercisable in Scotland (30.6.1999) by S.I. 1999/1748, art. 4(2), Sch. 3 Pts. **II, III** paras. 5-9

F727

Textual Amendments

F7 S. 27 repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)** (and amended (1.1.1998) by 1994 c. 33, **s. 4A(b)** (as inserted (1.1.1998 with effect as mentioned in **s. 33(1)-(8)** of the amending Act) by 1997 c. 48, s. 43(5); S.I. 1997/2323, art. 4, **Sch. 2**); and amended (1.1.1998 with application as mentioned in **s. 33(1)-(8)** of the amending Act) by 1997 c. 48, s. 62(1), **Sch. 1 para. 13(4)**; S.I. 1997/2323, art. 4, **Sch. 2**)

F828

Textual Amendments

F8 S. 28 repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)** (and modified (1.4.1995) by S.I. 1995/910, **art. 3**; extended (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 10(2)(5), 11(2)(4), Sch. 5 paras. 11(1)(c)(d)(2)(a)(3), **12(1)(c)(2)(a)(c)**; S.I. 1997/2200, **art. 2(1)(g)(n)** (with art. 5)) and s. 28 further amended (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), **ss. 34(4)(b)**, 89(2); S.S.I. 2003/288, art. 2, Sch.

Modifications etc. (not altering text)

C4 Ss. 18, 19(4), 22, 24, 26, 28, 29, 30, 32, 39, 43, Sch. 1: certain functions made exercisable in Scotland (30.6.1999) by S.I. 1999/1748, art. 4(2), Sch. 3 Pts. **II, III** paras. 5-9

F929

Textual Amendments

F9 S. 29 repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)** (and extended (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 10(2), 11(2), Sch. 5 paras. 11(2)(a), **12(2)(a)(c)**; S.I. 1997/2200, **art. 2(1)(g)(n)** (with art. 5))

Changes to legislation: *There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Cross Heading: Release on licence, etc.. (See end of Document for details)*

Modifications etc. (not altering text)

C5 Ss. 18, 19(4), 22, 24, 26, 28, 29, 30, 32, 39, 43, Sch. 1: certain functions made exercisable in Scotland (30.6.1999) by [S.I. 1999/1748](#), [art. 4\(2\)](#), [Sch. 3 Pts. II, III](#) paras. 5-9

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Heading: Release on licence, etc..