



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Supervision after release

30 Supervision of certain prisoners after release

- (1) If it appears to the Secretary of State that a person serving a sentence of imprisonment is a person to whom this section applies, he shall, by notice given to such person in accordance with subsection (3) below, place him under supervision on his release from prison.
- (2) Subject to the provisions of subsection (7) below, this section applies—
 - (a) to any person serving a sentence of imprisonment for a term of three years or more;
 - (b) to any person serving a sentence of imprisonment for a term of not less than six months, but less than three years, who is under the age of 26 years at the commencement of the sentence;but does not apply to a person serving a sentence of imprisonment for life.
- (3) Before the release from prison of any person to whom this section applies, the Secretary of State shall cause to be given to him a notice (“a notice of supervision”) giving the name and address of the person who is to be his supervising officer in the first instance, and specifying the requirements with which he has to comply while under supervision; and a notice given to any person under this subsection shall contain a statement that it is given to him as falling within a specified class of the persons to whom this section for the time being applies.
- (4) Subject to this section and sections 214 and 423 of the 1975 Act, every person to whom this section applies shall, after his release from prison and until the expiry of the period of 12 months from the date of his release, be under supervision, and shall, while under that supervision, be required—
 - (a) to keep in touch with his supervising officer in accordance with such instructions as may from time to time be given by that officer; and
 - (b) to comply with the directions of his supervising officer as to conduct; and

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- (c) to comply with such other requirements as may be specified in his notice of supervision.
- (5) At any time during the period referred to in subsection (4) above the Secretary of State may, by notice in writing given to a person under supervision as aforesaid,—
- (a) discharge him from supervision, or
 - (b) replace as from a specified date his supervising officer by another supervising officer whose name and address shall be specified in that notice, or
 - (c) cancel or modify any other of the requirements specified in his notice of supervision.
- (6) The Secretary of State may by order substitute a lower limit of three months instead of six months in paragraph (b) of subsection (2) above.
- (7) This section shall not apply to persons serving a sentence of imprisonment commencing before such date as may be prescribed by order of the Secretary of State under this subsection; and any such order may prescribe different dates in respect of sentences described in paragraphs (a) and (b) respectively of subsection (2) above, and, in respect of sentences comprised in the said paragraph (b), either according to the length of the term of imprisonment under a sentence or to the age of the person on whom it is passed.

31 Supervision of children after release

- (1) A child released after detention under section 206 of the 1975 Act who has not been released on licence during the period of detention may be required, by notice given by the Secretary of State on his release, to be under the supervision of such officer as may be specified in the notice, and to comply, while the notice is in force, with such conditions as may be specified.
- (2) Subject to subsection (5) below, the supervision requirement shall not continue after the expiry of the period of 12 months from the date of release.
- (3) The Secretary of State may, on giving notice to the person concerned, at any time vary or cancel a requirement or condition specified under subsection (1) above.
- (4) A period of supervision required under subsection (1) above shall not extend beyond the date on which the person under supervision attains the age of 23 years.
- (5) Where, before a supervision requirement expires, the Secretary of State is satisfied that the person to whom it relates has failed to comply with its terms and either—
- (a) the Parole Board so recommends, or
 - (b) it appears to him to be in the public interest to do so before consultation with the Board is practicable,
- he may recall the person to detention for a period not exceeding three months; and a person at large after such recall shall be deemed to be unlawfully at large.
- (6) The Secretary of State shall inform a person recalled under subsection (5) above of the reasons for his recall, so that the person may make representations in writing to the Parole Board with respect to his recall; and the Board may, on receipt of such representations, require the Secretary of State to release him forthwith.
- (7) The Secretary of State may at any time release a person detained by virtue of subsection (5) above.

- (8) The powers conferred by subsection (5) above may be exercised as often as it appears to the Secretary of State that the person concerned has failed to comply with the supervision requirement; but no person may be recalled to detention for periods totalling more than three months by virtue of that subsection.
- (9) A recall under subsection (5) above may continue beyond the date of expiry of the supervision requirement unless the person to whom it relates is not in custody at that date.
- (10) In this section, “child” has the same meaning as in section 462(1) (interpretation) of the 1975 Act.

32 Supervision of persons released from young offenders institution

- (1) This section applies in relation to persons sentenced under section 207 or 415 of the 1975 Act (detention of young offenders).
- (2) Subject to sections 212 and 421 of the 1975 Act (which relate to recall of young offenders on re-conviction) and to subsections (4) to (6) and (10) below, a person in relation to whom this section applies may, where he has been sentenced to a period of (or, as the case may be, periods totalling) six months or more, be required, by notice of the Secretary of State given to the person on his release from that detention, both to be under the supervision of such officer as may be specified in the notice and to comply, while under the supervision, with such conditions as may be so specified; and the supervision shall continue—
 - (a) in a case where such release is on licence under section 60(1) or section 61 of the Criminal Justice Act 1967 or section 22(1) or 26 of this Act, until the expiry of the period of 12 months from the date of such release or until the expiry of the licence, whichever is the later;
 - (b) in any other case—
 - (i) where the term was less than 18 months, until the expiry of the period of six months from the date of such release; or
 - (ii) where the term was 18 months or more, until the expiry of the period of 12 months from the date of such release.
- (3) In a case such as is mentioned in paragraph (a) of subsection (2) above, the requirement and conditions specified by the Secretary of State under that subsection shall be in addition to any conditions specified in the licence mentioned in that paragraph.
- (4) Without prejudice to subsection (7) below, a period of supervision required under subsection (2) above shall not extend beyond the date on which the person under supervision attains the age of 23 years.
- (5) The Secretary of State may by order extend the provisions of subsection (2) above to persons in relation to whom this section applies whose detention is for less than six months but not less than three months.
- (6) The Secretary of State may, on giving notice to the person concerned, at any time modify or cancel a requirement, or condition, which is specified under subsection (2) above.
- (7) Subject to subsections (9) and (10) below, where, before the expiry of the period for which a person is required under this section to be under supervision, the Secretary of State is satisfied that the person has failed to conform to the requirement or has

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failed to comply with a condition for the time being specified in the notice given to him under subsection (2) above and either—

- (a) the Parole Board so recommends, or
- (b) it appears to him to be in the public interest to do so before consultation with the Board is practicable,

he may (except in a case such as is mentioned in paragraph (a) of subsection (2) above) recall the person to a young offenders institution; and thereupon the person shall be liable to be detained in that institution for a period not exceeding three months, and if at large shall be deemed to be unlawfully at large.

- (8) The Secretary of State shall inform a person recalled under subsection (7) above of the reasons for his recall, so that the person may make representations in writing to the Parole Board with respect to his recall; and the Board may, on receipt of such representations, require the Secretary of State to release him forthwith.
- (9) A recall under subsection (7) above shall cease to have effect at the expiry of the first period mentioned in that subsection unless the person to whom it relates is then in custody thereunder.
- (10) The Secretary of State may at any time release a person who is, by virtue of subsection (7) above, detained; and the provisions of this section shall apply to a person released under subsection (8) above or this subsection as if, following the release mentioned in subsection (2) above, neither the recall under the said subsection (7) nor the subsequent release under subsection (8) above or this subsection had taken place, except that the period of detention between the recall and the subsequent release shall be deducted from the period for which the person would otherwise be liable to be detained were he again to be recalled.