



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Supervision after release

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.

Status: This is the original version (as it was originally enacted).

- (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 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.