



# Prisoners and Criminal Proceedings (Scotland) Act 1993

## 1993 CHAPTER 9

### PART I

#### DETENTION, TRANSFER AND RELEASE OF OFFENDERS

##### *Early release*

#### **15 Variation of supervised release order etc.**

- (1) A person released subject to a supervised release order, or his supervising officer, may request the Secretary of State that a local authority or the justices for a [F1 local justice area](in this section referred to as the “second” designee) be designated under this subsection as the appropriate authority or justices for the purposes of the order in place of that or those for the time being designated under section 14(4) of this Act or this subsection (the “first” designee) if the person resides or proposes to reside in the area of the second designee.
- (2) The Secretary of State shall, if he designates the second designee in accordance with the request, determine the date from which the designation shall have effect.
- (3) As soon as practicable after a designation is made under subsection (1) above—
  - (a) the Secretary of State shall—
    - (i) inform the person subject to the supervised release order, the first designee and the second designee that the designation has been made and of the date determined under subsection (2) above; and
    - (ii) send a copy of the supervised release order to the second designee; and
  - (b) the first designee shall send to the second designee the relevant documents and information received by the first designee by virtue of section 14(5)(b) of this Act (or by virtue of this paragraph).

*Changes to legislation: Prisoners and Criminal Proceedings (Scotland) Act 1993, Section 15 is up to date with all changes known to be in force on or before 15 October 2023. 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*

- (4) The court which made a supervised release order may, on an application under this subsection by a person subject to the order (whether or not he has been released before the application is made) or by his supervising officer (or, if the person is not yet released, but a local authority stands or justices stand designated as the appropriate authority or justices in respect of the order, by a relevant officer of that authority or, as the case may be, [<sup>F2</sup>an officer of a local probation board][<sup>F3</sup>, or an officer of a provider of probation services, acting in the local justice area])—
- (a) amend, vary or cancel any requirement specified in or by virtue of the order;
  - (b) insert in the order a requirement specified for the purpose mentioned in [<sup>F4</sup>section 209(3)(b)] of the [<sup>F5</sup>1995 Act],
- whether or not such amendment, variation, cancellation or insertion accords with what is sought by the applicant; but the period during which the person is to be under supervision shall not thereby be increased beyond any period which could have been specified in making the order.
- (5) If an application under subsection (4) above is by the supervising officer (or other relevant officer or [<sup>F6</sup>officer of a local probation board][<sup>F7</sup>or officer of a provider of probation services]) alone, the court shall cite the person who is subject to the order to appear before the court and shall not proceed under that subsection until it has explained to the person, in as straightforward a way as is practicable, the effect of any proposed amendment, variation, cancellation or insertion.
- [<sup>F8</sup>(5A) The unified citation provisions (as defined by section 307(1) of the Criminal Procedure (Scotland) Act 1995 (c. 46)) apply in relation to a citation under subsection (5) above as they apply in relation to a citation under section 216(3)(a) of that Act.]
- (6) The clerk of the court by which an amendment, variation, cancellation or insertion is made under subsection (4) above shall forthwith send a copy of the resultant order to the person subject to it and to the supervising officer.

#### Textual Amendments

- F1** Words in s. 15(1) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 50\(1\)](#)
- F2** Words in s. 15(4) substituted (1.4.2001) by [2000 c. 43](#), s. 74, [Sch. 7 Pt. I para. 4\(1\)\(a\)\(2\)](#); [S.I. 2001/919](#), art. 2(f)(i)
- F3** Words in s. 15(4) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 3, [Sch. 1 para. 10\(3\)\(a\)](#)
- F4** Words in s. 15(4)(b) substituted (1.4.1996) by [1995 c. 40](#), ss. 5, 7(2), [Sch. 4 para. 86\(8\)](#)
- F5** Words in s. 15(4)(b) substituted (1.4.1996) by [1995 c. 40](#), ss. 5, 7(2), [Sch. 4 para. 86\(2\)](#)
- F6** Words in s. 15(5) substituted (1.4.2001) by [2000 c. 43](#), s. 74, [Sch. 7 Pt. II para. 117](#); [S.I. 2001/919](#), art. 2(f)(ii)
- F7** Words in s. 15(5) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 3, [Sch. 1 para. 10\(3\)\(b\)](#)
- F8** S. 15(5A) inserted (S.) (27.10.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 60(5), 89(2); [S.S.I. 2003/475](#), art. 2, Sch.

#### Modifications etc. (not altering text)

- C1** Ss. 1(4), 2, 2(4), 3, 11-13, 15, 17, 18, 19 extended (1.10.1997) by [1997 c. 43](#), ss. 41, 56(1), [Sch. 1 Pt. II paras. 10\(2\)\(a\)\(5\)\(a\)\(6\)\(7\)](#), [11\(2\)\(a\)\(4\)\(a\)\(6\)](#); [S.I. 1997/2200](#), art. 2(1)(g) (subject to art. 5) (which amending provisions were amended (30.9.1998) by [1998 c. 37](#), s. 119, [Sch. 8 paras. 135\(a\)\(i\)\(d\)\(6\)\(a\)\(i\)\(b\)](#); [S.I. 1998/2327](#), art. 2(1)(y)(2)(oo) (subject to arts. 5-8))

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**C2** S. 15(1)(2)(3): certain functions made exercisable in or as regards Scotland (30.6.1999) by S.I. 1999/1748, arts. 4(1), 8(1), **Sch. 2 para. 2(4)-(6)**

**Changes to legislation:**

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**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. 3A(3A) inserted by [2019 asp 14 s. 51\(2\)](#)
- s. 3B inserted by [2019 asp 14 s. 51\(3\)](#)
- s. 3B(1)(a) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(a\)](#)
- s. 3B(1)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(b\)\(i\)](#)
- s. 3B(1)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(b\)\(ii\)](#)
- s. 3B(4)(b) words inserted by [2021 c. 11 Sch. 13 para. 52\(10\)\(c\)](#)
- s. 3C-3E and cross-heading inserted by [2023 asp 4 s. 11\(2\)](#)
- s. 3AA(4)(aa) inserted by [2023 asp 4 s. 9\(4\)\(b\)\(ii\)](#)
- s. 3AA(7A) inserted by [2023 asp 4 s. 9\(4\)\(d\)](#)
- s. 3AB3AC inserted by [2023 asp 4 s. 9\(5\)](#)
- s. 11(3C)(3D) inserted by [2023 asp 4 s. 9\(6\)\(b\)](#)
- s. 12(3A) inserted by [2023 asp 4 s. 11\(3\)](#)
- s. 12AA(7) inserted by [2023 asp 4 s. 9\(8\)\(d\)](#)
- s. 12ZA inserted by [2023 asp 4 s. 11\(4\)](#)
- s. 16(2A) inserted by [2016 asp 1 s. 86\(4\)](#)
- s. 17(2A)(2B) inserted by [2023 asp 4 s. 10\(2\)](#)
- s. 17A(2B)(2C) inserted by [2023 asp 4 s. 10\(3\)\(a\)](#)
- s. 17B inserted by [2023 asp 4 s. 10\(4\)](#)
- s. 27(7A)(7B) inserted by [2023 asp 4 s. 8\(2\)\(b\)](#)