



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART IX

#### MISCELLANEOUS AMENDMENTS: SCOTLAND

#### **134 Amendment of provisions continued in effect for certain prisoners by Prisoners and Criminal Proceedings (Scotland) Act 1993.**

- (1) In Schedule 6 to the <sup>M1</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993 (transitional provisions and savings)—
  - (a) in paragraph 1—
    - (i) in the definition of “existing provisions”, at the end there shall be added “except that an amendment or repeal effected by any enactment shall apply for the purposes of the existing provisions if expressly stated to do so”; and
    - (ii) in the definition of “new provisions”, after the word “amended” there shall be added “by this Act”; and
  - (b) in paragraph 2(1), for the words from “and to” to “Schedule” there shall be substituted— “ , to the following provisions of this Schedule and to the exception in the definition of “existing provisions” in paragraph 1 above, ”.
- (2) Sections 18 (constitution and functions of Parole Board etc.), 22 (release on licence of persons serving determinate sentences), 28 (revocation of licences and conviction of prisoners on licence) and 42(3) (exercise of power to make rules etc.) of the <sup>M2</sup>Prisons (Scotland) Act 1989, being provisions which, notwithstanding their repeal by the <sup>M3</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993, are “existing provisions” for the purposes of that Act of 1993, shall for those purposes be amended in accordance with the following subsections.
- (3) In the said section 18, for subsections (3) and (4) there shall be substituted—

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Section 134 is up to date with all changes known to be in force on or before 22 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

“(3A) The Secretary of State may by rules make provision with respect to the proceedings of the Board, including provision—

- (a) authorising cases to be dealt with in whole or in part by a prescribed number of members of the Board in accordance with such procedure as may be prescribed;
- (b) requiring cases to be dealt with at prescribed times; and
- (c) as to what matters may be taken into account by the Board (or by such number) in dealing with a case.

(3B) The Secretary of State may give the Board directions as to the matters to be taken into account by it in discharging its functions under this Part of this Act; and in giving any such directions the Secretary of State shall in particular have regard to—

- (a) the need to protect the public from serious harm from offenders; and
- (b) the desirability of preventing the commission by offenders of further offences and of securing their rehabilitation.”.

(4) <sup>F1</sup> .....

(5) In the said section 22, at the beginning of subsection (7) there shall be inserted the words “ In a case where the Parole Board has recommended that a person be released on licence, and by virtue of subsection (1A) above such release is then mandatory, no licence conditions shall be included in the licence, or subsequently inserted, varied or cancelled in it, except in accordance with recommendations of the Board; and in any other case ”.

(6) In the said section 42—

- (a) in each of subsections (1) and (4), for the words “22(2)” there shall be substituted “ 22(1A) or (2), 28(1A), ”; and
- (b) in subsection (3), for the word “(3)” there shall be substituted “ (3A) ”.

#### Textual Amendments

**F1** S. 134(4) repealed (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 86, 89, [Sch. 5](#); [S.S.I. 2003/288](#), [art. 2](#), [Sch.](#)

#### Commencement Information

**II** S. 134 wholly in force at 1.6.1995; s. 134 not in force at Royal Assent see [s. 172](#); s. 134 in force at 3.2.1995 for specified purposes only and 1.6.1995 otherwise by [S.I. 1995/127](#), [art. 2\(1\)\(2\)\(3\)](#), [Sch. 1](#) (with savings in [Sch. 2 para. 4](#))

#### Marginal Citations

**M1** 1993 c. 9.

**M2** 1989 c. 45.

**M3** 1993 c. 9.

**Changes to legislation:**

Criminal Justice and Public Order Act 1994, Section 134 is up to date with all changes known to be in force on or before 22 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.

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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. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)