
Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 11

RELEASE ON LICENCE OF REPATRIATED TERRORIST PRISONERS

- 3 (1) Paragraph 2 (application of early release provisions), as it applies in relation to certain prisoners repatriated to Scotland on or after 27 June 2003 in accordance with section 33(2) of the Criminal Justice (Scotland) Act 2003 (asp 7), is amended as follows.
- (2) In sub-paragraph (1), after “(3),” insert “ 1AB(3), ”.
- (3) In sub-paragraph (2), in the words before paragraph (a), after “licence” insert “ , or of section 1AB(3) of that Act in the case of a long-term prisoner to whom that section applies ”.
- (4) After sub-paragraph (3) insert—
- “(3A) If sub-paragraph (3B) or (3C) applies by virtue of an offence in relation to which a determinate sentence is to be served, Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 applies to the prisoner as if that offence was within section 1AB(2) of that Act (terrorist offences carrying restricted eligibility for release on licence).
- (3B) This sub-paragraph applies if the warrant specifies that the offence or any of the offences in relation to which a sentence is to be served corresponds to an offence specified in Part 1 or 2 of Schedule 1A to the Prisoners and Criminal Proceedings (Scotland) Act 1993 (terrorism offences carrying restricted eligibility for release on licence).
- (3C) This sub-paragraph applies if the warrant specifies that—
- (a) the offence or any of the offences in relation to which a sentence is to be served (“the overseas offence”) corresponds to an offence under the law of Scotland (“the corresponding offence”),
- (b) section 31 of the Counter-Terrorism Act 2008 (sentences for offences aggravated by terrorist connection) would have been capable of applying in relation to the corresponding offence if—
- (i) it had been committed at the same time as the overseas offence, and
- (ii) the prisoner had been convicted of and sentenced for it in Scotland at the same time respectively as the conviction and sentencing for the overseas offence, and
- (c) findings made by the court before which the prisoner was tried or sentenced for the overseas offence would, had the prisoner been tried and sentenced in Scotland for the corresponding offence, have justified its being found proved for the purposes of that section that the corresponding offence was aggravated by reason of having a terrorist connection.

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- (3D) The Scottish Ministers may amend a warrant (whether issued before or after sub-paragraph (3A) comes into force and whether or not the transfer it authorises has taken place) so as to specify the matters referred to in sub-paragraph (3B) or (3C).”

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Paragraph 3.