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STATUTORY INSTRUMENTS

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**1995 No. 911 (S.76)**

**PRISONS**

**The Prisoners and Criminal Proceedings (Scotland)  
Act 1993 (Release of Prisoners etc.) Order 1995**

*Made* - - - - *24th March 1995*  
*Coming into force* - - *1st April 1995*

The Secretary of State, in exercise of the powers conferred upon him by subsection (3) of section 20 of the Prisoners and Criminal Proceedings (Scotland) Act 1993<sup>(1)</sup>, and after consultation with the Parole Board for Scotland in accordance with that subsection, hereby makes the following Order a draft of which has been laid before and approved by resolution of each House of Parliament:

**1.**—(1) This Order may be cited as the Prisoners and Criminal Proceedings (Scotland) Act 1993 (Release of Prisoners etc.) Order 1995 and shall come into force on 1st April 1995.

(2) In this Order—

“the Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993; and

“long-term prisoner” and “term of imprisonment” have the same meanings as in Part I of the Act.

**2.** The class of case specified in this Article is that of a long-term prisoner serving a sentence of imprisonment for a term of less than 10 years which was imposed upon him on or after 1st October 1993.

**3.** In relation to the class of case specified in Article 2 above, the Act shall have effect subject to the modifications that—

(a) in subsection (3) of section 1, for the word “may” there shall be substituted the word “shall” so however that nothing in this paragraph shall affect the operation of that subsection as it has effect in relation to a long-term prisoner who is liable to removal from the United Kingdom (within the meaning of section 9 of the Act);

(b) in section 12—

(i) in subsection (3)(a)(2), after the words “licence of a” there shall be inserted the words “long-term or”;

(ii) subsection (4) shall be omitted; and

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(1) 1993 c. 9; section 45(3) was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 130(2).

(2) Section 12(3)(a) was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 131.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(c) in section 17(1)(a), for the word “may” there shall be substituted the word “shall”.

St Andrew’s House,  
Edinburgh  
24th March 1995

*Fraser of Carmyllie*  
Minister of State, Scottish Office

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies a class of case for the purposes of section 20(3) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the Act”).

The effect of Articles 2 and 3 of the Order is to provide that any prisoner serving a sentence of imprisonment for 4 years or more but less than 10 years who was sentenced on or after 1st October 1993, shall be released on licence under section 1(3) of the Act by the Secretary of State where the Parole Board for Scotland so recommends. It also provides that the Parole Board must be consulted about the insertion, variation or cancellation of any condition in a licence by which such a prisoner is released; and that where such a prisoner has been released on licence the Secretary of State will be required to revoke his licence and recall him to prison if the Parole Board so recommends.