



Bail and Release from Custody (Scotland) Act 2023

2023 asp 4

PART 2

RELEASE FROM CUSTODY

PROSPECTIVE

10 Review of recommendations and directions by Parole Board

- (1) The 1993 Act is amended as follows.
- (2) In section 17 (revocation of licence), after subsection (2) insert—
 - “(2A) Subsection (2B) applies where the Scottish Ministers, having released a long-term prisoner on licence under section 3AB(3), revoke the licence and recall the prisoner to prison under subsection (1) or revoke the licence under subsection (1A).
 - (2B) The Parole Board may, whether when considering the prisoner’s case on a referral under subsection (3) or otherwise, review its recommendation that the prisoner be released on licence on having served one half of the prisoner’s sentence.”.
- (3) In section 17A (recall of prisoners released under section 3AA or 3AB(1))—
 - (a) after subsection (2A) insert—
 - “(2B) Subsection (2C) applies where—
 - (a) the Scottish Ministers release a long-term prisoner on licence under section 3AB(1),
 - (b) the Parole Board subsequently recommends that the prisoner be released on licence on having served one half of the prisoner’s sentence, and

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Bail and Release from Custody (Scotland) Act 2023, Section 10. (See end of Document for details)

(c) the Scottish Ministers revoke the licence under section 3AB(1) and recall the prisoner to prison under subsection (1).

(2C) The Parole Board may, whether or not the case is referred to it under subsection (3), review its recommendation that the prisoner be released on licence on having served one half of the prisoner's sentence.”,

(b) in subsection (3), for “such representations” substitute “representations under subsection (2)”.

(4) After section 17A insert—

“17B Review by Parole Board of decision to recommend or direct release on licence

- (1) This section applies where—
- (a) the Parole Board recommends or directs that a prisoner be released on licence under this Part, and
 - (b) the prisoner has not yet been released on licence as a result of the Board's recommendation or, as the case may be, direction.
- (2) The Parole Board may, if subsection (3) applies, review its recommendation or, as the case may be, direction that the prisoner be released on licence.
- (3) This subsection applies if information comes to the Parole Board's attention—
- (a) that was not available to the Board when it made its recommendation or, as the case may be, direction, and
 - (b) which, in the opinion of the Board, has a significant bearing on the prisoner's suitability for release on licence.”.

Commencement Information

II S. 10 not in force at Royal Assent, see [s. 18\(2\)](#)

Status:

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