Prisoners (Control of Release) (Scotland) Bill

Bill Number: SP Bill 54
Introduced on: 14 August 2014
Introduced by: Kenny MacAskill (Government Bill)
Passed: 23 June 2015
Royal Assent: 4 August 2015

Passage of the Bill

The Prisoners (Control of Release) (Scotland) Bill was introduced in the Parliament on 14 August 2014.

The Parliament’s Justice Committee was designated as lead committee for the purposes of parliamentary consideration. Its stage 1 report was published in March 2015. The Scottish Government produced a written response to that report in April 2014, and the Bill completed stage 1 proceedings following a parliamentary debate later the same month. Stage 2 consideration of the Bill (including taking additional evidence) was carried out by the Justice Committee in May and June 2015.

The Bill was passed following the stage 3 parliamentary debate on 23 June 2015 and became the Prisoners (Control of Release) (Scotland) Act 2015 following Royal Assent in August 2015.

Purpose of the Bill

The Bill as introduced contained two distinct sets of provisions relating to the release of offenders serving custodial sentences:

- restriction of automatic early release (section 1) – seeking to end automatic early release for sex offenders receiving determinate custodial sentences of four years or more and other offenders receiving determinate custodial sentences of ten years or more
- early release for community reintegration (section 2) – allowing the Scottish Prison Service to release sentenced prisoners up to two days
early where this would help facilitate community reintegration (eg by allowing for prompt access to public services)

Parliamentary Consideration

The Justice Committee’s stage 1 report noted clear support for the provisions in section 2 and welcomed the flexibility they would give the Scottish Prison Service. In relation to section 1, however, it reflected a number of concerns, including:

- scope of the reforms – the justification for focusing on long-term prisoners, especially sex offenders, was questioned
- supervision of released prisoners – concerns were raised about the possibility of some long-term prisoners being released without a period of community supervision

In light of the issues raised, the Scottish Government lodged a number of stage 2 amendments with the aim of:

- expanding the reform of automatic early release to all long-term prisoners (but still excluding short-term prisoners)
- ensuring that a period of post-release supervision is preserved for all long-term prisoners (for some this would be achieved by retaining a point in the sentence at which automatic early release takes place)

There was continued debate during stage 2 on a number of issues, in particular the appropriate length of compulsory community supervision for long-term prisoners. However, the Government’s amendments were agreed to by the Justice Committee.

Two non-government amendments were also lodged at stage 2. The first of these dealt with the minimum length of post-release supervision for long-term prisoners, seeking to make it a proportion of the sentence. The second sought to highlight a need for further consideration of the appropriate length of post-release supervision; and to look at the reform of automatic early release for short-term prisoners. Both amendments were withdrawn following debate.

The appropriate duration of post-release supervision and the desirability of wider reform of automatic early release were also debated at stage 3. Non-government amendments similar to those lodged at stage 2 were voted on but defeated.

The Bill was passed following a vote (for 67, against 0, abstentions 46)