

Prisoners (Early Release) (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 7
Long Title

Schedule

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 3

Angela Constance

- 1 In section 3, page 4, line 3, at end insert—

<(3A) Provision made under subsection (2)(b) may amend section 27B.>

Sharon Dowey

- 2 In section 3, page 4, line 16, at end insert—

<(4A) At the same time as laying draft regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must seek to make a statement to the Parliament on—

- 5 (a) their reasons for proposing that the regulations be made,
(b) the consultation they have carried out in connection with the draft regulations.>

Pauline McNeill

- 2A As an amendment to amendment 2, line 6, at end insert <, and

(c) what information will be available to victims about the change that the draft regulations would make (if approved) and the release of prisoners under the provisions amended by the regulations.>

Martin Whitfield

- 3 Leave out section 3

After section 3

Angela Constance

- 4 After section 3, insert—

<Persons transferred to Scotland from outwith the United Kingdom

- (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is modified as follows.
- (2) After section 27A (as inserted by section 3), insert—

“27B Power to make determinations in relation to persons transferred to Scotland

- (1) Where a person is serving a sentence in respect of which the person has been or is to be transferred to Scotland under the Repatriation of Prisoners Act 1984, the Scottish Ministers may determine—
 - (a) where the person was convicted of the offence in respect of which the person is serving the sentence when the person was under the age of 18, that the person is to be treated for the purposes of section 7 as if the person had been detained under section 208 of the Criminal Procedure (Scotland) Act 1995, and
 - (b) where subsection (2) applies, that the person is to be treated for the purposes of section 1(1) or, as the case may be, section 7(1)(a) as if the sentence was passed in respect of an offence listed in section 1(1ZA) or, as the case may be, section 7(1ZB).
- (2) This subsection applies where the act, omission or behaviour which led to the conviction for which the person is serving the sentence would have constituted an offence listed in section 1(1ZA) or, as the case may be, section 7(1ZB) if it had taken place in Scotland.
- (3) The Scottish Ministers may by regulations make further provision about or in connection with the making of a determination under subsection (1)(a) or (b).
- (4) Regulations under subsection (3)—
 - (a) may include incidental, supplementary, consequential, transitional, transitory or saving provision,
 - (b) may make different provision for different purposes,
 - (c) are subject to the affirmative procedure.”.>

After section 4

Jamie Greene

- 5** After section 4, insert—

<Reporting

Report on operation of Act

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of the review period—
 - (a) prepare and publish a report on the operation of the modifications of enactments made by or by virtue of this Act,
 - (b) lay a copy of the report before the Scottish Parliament.
- (2) The report must include information on—
 - (a) the prison population throughout the review period,

(b) in relation to individuals released in accordance with paragraph 3(1) of the schedule—

(i) the number of individuals released in each release period, broken down by reference to—

(A) their gender,

(B) the offences (or types of offences) for which they were imprisoned or detained,

(C) the term of imprisonment or detention from which they were released,

(ii) for each local authority area, the number of individuals released whose last known address prior to their imprisonment or detention is within that area,

(iii) for each health board area, the number of individuals released whose last known address prior to their imprisonment or detention is within that area.

(3) For the purposes of this section—

“health board” means a board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,

“health board area” means the area in relation to which a health board is constituted,

“prison population” includes persons detained in a young offenders institution,

“review period” means the period of 2 years beginning with the day on which section 1 comes into force.>

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