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Criminal Justice Committee

Report on the Home Detention Curfew (Amendment of Specified Time Periods) (Scotland) Order 2025 [draft]



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Contents

Introduction	1
Consideration by the Delegated Powers and Law Reform Committee	2
Consideration by the Criminal Justice Committee	3

Criminal Justice Committee

To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

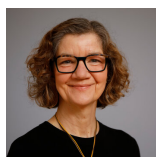


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Introduction

1. At its meeting on Wednesday 11 June 2025, the Criminal Justice Committee ("the Committee") considered the following instrument:
 - [The Home Detention Curfew \(Amendment of Specified Time Periods\) \(Scotland\) Order 2025 \[draft\]](#)
2. The purpose of this instrument is to change specific aspects of the eligibility criteria used within the Home Detention Curfew (HDC) process. HDC is a mechanism which supports reintegration of prisoners by allowing eligible individuals to be released from custody, subject to licence conditions, into the community prior to their liberation date. This can occur where a prisoner is assessed as suitable via a risk assessment. Individuals released on HDC will always be subject to a curfew condition which is electronically monitored.
3. Under existing HDC eligibility criteria, HDC release cannot be granted until an eligible individual has served at least 25% of their sentence. This instrument will amend the eligibility for HDC to the point at which an individual will have served at least 15% of their original sentence.
4. In addition, the instrument will increase the maximum period that eligible individuals can spend released on HDC, from the current maximum of 180 days to a new maximum of 210 days.
5. The changes will further support preparation for release and managed re-integration following a custodial sentence, whilst also assisting with the longer-term management of the prison population. The changes within this instrument will also take account of the changes to automatic release points brought into force for certain short-term sentenced individuals, as a result of the [Prisoner \(Early Release\) \(Scotland\) Act 2025](#).
6. Therefore, the changes will not fundamentally change the way HDC is operated by the Scottish Prison Service. But they will seek to ensure that HDC can continue to be an important tool to support a managed reintegration following a short-term prison sentence, and increase the potential time individuals assessed as suitable for release can spend on HDC.
7. The instrument fulfils a Scottish Government Programme for Government commitment which aims to support shifting the balance between custody and the community, whilst also delivering actions which will support a sustainable reduction in the prison population.

Consideration by the Delegated Powers and Law Reform Committee

8. The Delegated Powers and Law Reform Committee ("the DPLR Committee") considered the instrument on 20 May 2025 and reported on it in its [37th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Consideration by the Criminal Justice Committee

9. Motion S6M-17635 was lodged proposing that the Committee recommends approval of the instrument. At its meeting on Wednesday 11 June 2025, the Committee took oral evidence from the Cabinet Secretary for Justice and Home Affairs, Angela Constance MSP ("the Cabinet Secretary").
10. During the evidence session, the Cabinet Secretary outlined the purpose of the Order to the Committee.
11. In response to questions around the proposed changes to timescales for eligibility for HDC, the Cabinet Secretary advised there are statutory exclusions which mean that there is a cohort of people who are not considered eligible. She also outlined the three existing statutory eligibility criteria, two of which the instrument amends and confirmed all of the criteria must continue to be met.
12. The Cabinet Secretary gave the example of an individual serving a one year sentence who, due to the automatic early release point changing for some short-term prisoners, could now be released after 144 days rather than at 180 days. In light of this, if the proposed changes to HDC criteria were not made, the amount of potential time available for eligible individuals to spend released on HDC would reduce from 90 days to 54 days.
13. She also advised that since the changes to the automatic early release were introduced, the number of individuals on HDC has reduced from around 150 on any given day to between 70 and 80. The Scottish Government therefore wants to realign HDC with the short-term prisoner release programme in order to get it back to the levels it was at before it's introduction.
14. In relation to questions around the availability of data and research into the impact of the proposed changes, the Cabinet Secretary told the Committee that at any one time there are around 3000 short-term prisoners and that as of 10 June 2025, there were 106 people on HDC. She also stated that the rate of successful completions for HDC is 93% with the recall rate being 7%.
15. In addition, the Cabinet Secretary told the Committee that no specific research has been undertaken regarding the impact that reducing the time served to be eligible for HDC from at least 25% to at least 15% may have on victims of crime.
16. The Cabinet Secretary undertook to ask the Scottish Prison Service to provide information to the Committee regarding breaches of HDC and recalls to prison.
17. There being no further questions from Members, the Cabinet Secretary moved the motion:
 - S6M-17635—That the Criminal Justice Committee recommends that the Home Detention Curfew (Amendment of Specified Time Periods) (Scotland) Order 2025 [draft] be approved.
18. The Committee agreed to the motion by division: For 6; Against 2; Abstentions 0.ⁱ

19. **The Criminal Justice Committee recommends to the Scottish Parliament that it approve the the Home Detention Curfew (Amendment of Specified Time Periods) (Scotland) Order 2025 [draft].**

