Draft Order laid before the Scottish Parliament under section 9B(6) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2026 No.

PRISONS

The Early Removal of Prisoners from the United Kingdom (Amendment of Specified Time Periods) (Scotland) Order 2026

Made - - - -	*2026*
Coming into force - -	*24th March 2026*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 9B(5) of the Prisoners and Criminal Proceedings (Scotland) Act 1993(**a**) and all other powers enabling them to do so.

In accordance with section 9B(6) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Early Removal of Prisoners from the United Kingdom (Amendment of Specified Time Periods) (Scotland) Order 2026 and comes into force on 24 March 2026.

Amendment of schedule 6 of the Custodial Sentences and Weapons (Scotland) Act 2007

2.—(1) Paragraph 4 of schedule 6 of the Custodial Sentences and Weapons (Scotland) Act 2007 is amended as follows.

(2) In section 9B of the Prisoners and Criminal Proceedings (Scotland) Act 1993 treated as inserted by that paragraph—

(a) in subsection (1) for "180" substitute "210",

(**a**) 1993 c. 9. Section 9B(5) has effect by virtue of paragraph 4 of schedule 6 of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17) ("the 2007 Act"). Schedule 6 of the 2007 Act was substituted by section 19 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) ("the 2010 Act") and relevantly amended by S.S.I. 2026/4.

(b) in subsection (2) for "one-quarter" substitute "15%".

Name
A member of the Scottish Government

St. Andrew's House
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to schedule 6 of the Custodial Sentences and Weapons (Scotland) Act 2007 ("the 2007 Act"). Schedule 6 of the 2007 Act makes transitory amendments to the Prisoners and Criminal Proceedings (Scotland) Act 1993 ("the 1993 Act"). These transitory amendments mean that the 1993 Act is to be read as if paragraph 4 of schedule 6 of the 2007 Act has inserted sections 9A, 9B and 9C into the 1993 Act.

Section 9B(1) of the 1993 Act provides the Scottish Ministers with the power to remove certain short-term prisoners from prison early. Prisoners can be removed under section 9B(1) if they are either liable or eligible for removal from the United Kingdom. A prisoner is liable to removal from the United Kingdom if they meet one of the criteria set out in section 9(3) of the 1993 Act. Section 9A of the 1993 Act specifies the conditions which must be satisfied for a person to be eligible for removal from the United Kingdom.

Section 9B(1) provides that a short-term prisoner may be removed at any point in the period which begins 180 days before they are otherwise entitled to be released under Part 1 of the 1993 Act. Section 9B(2) provides that the Scottish Ministers cannot exercise that power before the prisoner has served one-quarter of their sentence.

Article 2(2)(a) of this Order amends the period specified in section 9B(1). The period during which a prisoner can be removed from prison for removal from the United Kingdom is increased from 180 days to 210 days before they are otherwise entitled to be released under Part 1 of the 1993 Act.

Article 2(2)(b) of this Order amends section 9B(2) to provide that the proportion of their sentence that a prisoner must serve before the Scottish Ministers may exercise their power to remove that prisoner is reduced from one-quarter of the prisoner's sentence to 15% of the prisoner's sentence.

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