Draft Regulations laid before the Scottish Parliament under section 45 of the Prisoners and Criminal Proceedings (Scotland) Act 1993, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

PRISONS

The Home Detention Curfew (Amendment of Specified Time Periods) (Scotland) Order 2025

Made - - - -	*2025*
Coming into force - -	*20th October 2025*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 3AA(6)(b) and (c) of the Prisoners and Criminal Proceedings (Scotland) Act 1993(**a**) and all other powers enabling them to do so.

In accordance with section 45(3)(**b**) 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 Home Detention Curfew (Amendment of Specified Time Periods) (Scotland) Order 2025 and comes into force on 20 October 2025.

Amendment of section 3AA of the Prisoners and Criminal Proceedings (Scotland) Act 1993

2.—(1) Section 3AA of the Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows.

(2) In subsection (2)(**c**), for "one quarter" substitute "15%".

(**a**) 1993 c. 9. Section 3AA was inserted by section 15(5) of the Management of Offenders etc. (Scotland) Act 2005 (asp 14) and was amended by the Home Detention Curfew Licence (Amendment of Specified Days) (Scotland) Order 2008 (S.S.I. 2008/126), the Home Detention Curfew Licence (Amendment) (Scotland) Order 2016 (S.S.I. 2016/416), the Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3) and the Prisoners (Early Release) (Scotland) Act 2025 (asp 1). Subsection (6)(b) was substituted by the Management of Offenders (Scotland) Act 2019 (asp 14).

(**b**) Section 45(3) was inserted by section 15(14) of the Management of Offenders etc. (Scotland) Act 2005 (asp 14). Section 45(3) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(**c**) Section 3AA(2) was amended by section 48(2) of the Management of Offenders (Scotland) Act 2019 (asp 14).

(3) In subsection (3)(**a**), for "166 days" substitute "196 days".

Name
A member of the Scottish Government

St Andrew's House,
Edinburgh
Date

(**a**) Section 3AA(3) was amended by article 2 of the Home Detention Curfew Licence (Amendment of Specified Days) (Scotland) Order 2008 (S.S.I. 2008/126).

EXPLANATORY NOTE

(This note is not part of the Order)

Section 3AA(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 ("the 1993 Act") provides Scottish Ministers with the power to release a prisoner on licence. Such a release requires to be subject to a curfew condition (and is commonly known as a release on home detention curfew) (section 12AA of the 1993 Act). Section 3AA(2) provides that Scottish Ministers cannot exercise that power before the prisoner has served one quarter of their sentence. Subsection (3) provides that a short-term prisoner may be released on licence at any point in the period which begins 180 days (i.e. 166 days plus 14 days) before they are otherwise entitled to be released under Part 1 of that Act and ends 14 days before that point is reached. A long-term prisoner may be released on licence during the period which begins 180 days before they have served one-half of their sentence and ends 14 days before that point is reached.

Article 2(1) of this Order amends section 3AA(2) of the 1993 Act to provide that the proportion of sentence that a prisoner must serve before being able to be released under section 3AA(1) is changed from one quarter of the prisoner's sentence to 15% of the prisoner's sentence.

Article 2(2) of this Order amends the period specified in section 3AA(3) of the 1993 Act. That is the period during which the Scottish Ministers may, under section 3AA(1) of that Act, release a prisoner on home detention curfew.

The period during which a prisoner can be released on such a licence is therefore increased from 180 days to 210 days (i.e. 196 days plus 14 days).

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