

Counter-Terrorism and Sentencing Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Schedule 13

LORD WOLFSON OF TREDEGAR

Page 122, line 21, at end insert –

“(1A) In section 1(3A) (release of short-term, long-term and life prisoners serving concurrent sentences), for “section 1A” substitute “sections 1A and 1B”.”

Member’s explanatory statement

This amendment is consequential on the insertion of new section 1B of the Prisoners and Criminal Proceedings (Scotland) Act 1993 made by the amendment at page 123, line 6.

Page 123, line 6, leave out sub-paragraph (3) and insert –

“(3) In the heading of section 1A, after “to” insert “certain”.

(3A) After section 1A insert –

“1B Prisoners serving consecutive sentences including at least one terrorism sentence

(1) This section applies where –

- (a) a prisoner has been sentenced to two or more terms of imprisonment which are to be served consecutively on each other,
- (b) one or more of the sentences (the “terrorism sentence”) was imposed in respect of an offence within section 1AB(2), and
- (c) the sentences were imposed on the same occasion or, where they were imposed on different occasions, the prisoner has not been released under this Part at any time during the period beginning with the first and ending with the last of those occasions.

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- (2) If the prisoner is serving a terrorism sentence and a sentence imposed in respect of an offence that is not within section 1AB(2) (a “non-terrorism sentence”), the terrorism sentence is to be served (or, where subsection (7) applies, treated as being served) after the non-terrorism sentence irrespective of when the sentences were imposed.
- (3) Where subsection (2) applies, the prisoner is to be taken to begin serving the custodial part of the terrorism sentence (or first such sentence) as soon as the prisoner has served the custodial part of the non-terrorism sentence.
- (4) If (but for this section) the prisoner would have been released on licence under this Part in respect of a non-terrorism sentence, the period during which the prisoner would have been on licence under this Part is to be served concurrently with the custodial part of the terrorism sentence.
- (5) The prisoner may not be released under this Part in respect of the terrorism sentence unless and until the prisoner has served the aggregate of—
 - (a) if the prisoner is serving a non-terrorism sentence, the custodial part of the sentence, and
 - (b) the custodial part of each terrorism sentence that the prisoner is serving.
- (6) Subsection (7) applies where—
 - (a) a non-terrorism sentence is imposed on the prisoner (the “new sentence”), and
 - (b) the prisoner has already served part of the custodial part of a terrorism sentence (the “served part”).
- (7) The prisoner is to be treated as having served—
 - (a) where the served part is less than the custodial part of the new sentence, such part of the custodial part of the new sentence as is equal to the served part,
 - (b) where the served part is equal to the custodial part of the new sentence, the custodial part of the new sentence,
 - (c) where the served part exceeds the custodial part of the new sentence—
 - (i) the custodial part of the new sentence, and
 - (ii) so much of the custodial part of the terrorism sentence as is equal to the amount by which the served part exceeds the custodial part of the new sentence.
- (8) Nothing in this Part requires—
 - (a) the Scottish Ministers to release the prisoner in respect of any of the terms of imprisonment unless and until they are required to release the prisoner in respect of each of the other terms of imprisonment,

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- (b) the Scottish Ministers or the Parole Board to consider the prisoner's release in respect of any of the terms of imprisonment unless and until the Ministers are or the Board is required to consider the prisoner's release, or the Ministers are required to release the prisoner, in respect of each of the other terms.
- (9) If the prisoner is released on licence under this Part the prisoner is to be on licence, on and after the release, until the prisoner would, but for the release, have served a term equal in length to the aggregate length of the term of imprisonment of any non-terrorism sentence and the term or, as the case may be, terms of imprisonment for the terrorism sentence or sentences less the period mentioned in subsection (10).
- (10) The period is –
 - (a) any period served concurrently in accordance with subsection (4), and
 - (b) if (but for this section) the prisoner would have been released unconditionally under section 1(1) in respect of a non-terrorism sentence, the period equal to one-half of the term of that sentence.
- (11) Where a prisoner to which this section applies is released on licence under this Part (other than a licence under section 3AA), the release is to be on a single licence which is to be subject to such conditions as may be specified or required by this Part in relation to all the sentences in respect of which the prisoner has been so released.
- (12) In this section “custodial part”, in relation to a term of imprisonment means a period equal to the part of the term that (but for this section) the prisoner would be required to serve before –
 - (a) the Scottish Ministers are required to release the prisoner under this Part, or
 - (b) the Parole Board is first entitled under this Part to make a recommendation that the prisoner be released on licence under this Part.
- (13) In this section –
 - (a) references to a non-terrorism sentence include references to two or more such sentences that are treated as a single term by virtue of section 27(5) (whether imposed before, after or both before and after a terrorism sentence), and
 - (b) where subsection (7) applies, the references in that subsection to the “custodial part of the new sentence” include references to the custodial part of the single term.””

Member's explanatory statement

This amendment inserts new section 1B of the Prisoners and Criminal Proceedings (Scotland) Act 1993. New section 1B makes provision where a prisoner is serving consecutive sentences including at least one terrorism sentence to which section 1AB of the 1993 Act applies, including provision consequential on the amendment of section 27 of the 1993 Act made by the amendment at page 125, line 15.

Page 125, line 15, leave out from “in” to end of line 17 and insert “relation to a sentence passed on a person –

- (a) in respect of an offence within section 1AB(2), and
- (b) on or after the coming into force of paragraph 48(3A) of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021.”

Member's explanatory statement

This amendment makes provision so that terrorism sentences to which section 1AB of the Prisoners and Criminal Proceedings (Scotland) Act 1993 apply will not be treated as a single term for the purposes of Part 1 of the Act.

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19 January 2021
