



Opening Hours

Monday to Friday
9.00am - 8.00pm

Saturday and Sunday
10.00am - 3.00pm

Sentence Calculation

Will the prisoner serve the whole of their sentence in custody?

The majority of prison sentences passed in court will include time to be served in prison and time to serve in the community. This means that a prisoner will not spend the whole of their sentence in prison. The exceptions are life, IPP and Extended sentences which are regulated by different rules.

How long will they be in prison for?

A number of things can affect the length of time someone will spend in prison. This includes the date the offence was committed, the length of the sentence, whether a Home Detention Curfew (HDC) is granted and whether any extra days are added as the consequence of positive adjudications. However, for the purposes of calculating a prison sentence initially, only the first two points are taken into consideration.

- For short sentences under twelve months the prisoner will be granted Automatic Conditional Release at the half way point in their sentence. From this point on, until the sentence expiry date, the person will be classed as 'at risk'. This means that if any further offence is committed during this time the person can be returned to court and ordered to serve a period of time which would equate to the remainder of their sentence at the time the new offence was committed. This would be in addition to any sentence passed for the new offence.
- Longer sentences of between twelve months and up to four years, will warrant Automatic Conditional Release at the half way point of the sentence. From this point on, until the sentence is three quarters complete, they will be 'on licence'. This means that the person will be subject to regular meetings with an officer from the Probation Service. There may also be certain other conditions attached to the licence which can include living at a specified address or getting help with addressing their offending behaviour. If a person released on licence breaches any of their conditions then they can be returned to custody at the discretion of the Home Office (See fact sheet on recall/Licence conditions). From the three quarters point in their sentence until the sentence expiry date they are 'at risk'.
- Prisoners serving sentences of four years or more (with the exception of life ,IPP and Extended sentences), where the offence was committed **prior to** the 4th April 2005, are eligible to be

considered for Discretionary Release once they have served half of their sentence in custody. This date is known as their Parole Eligibility Date (PED). Release is subject to approval by the Parole Board. Anyone not released at this stage can re apply to the Parole Board at yearly intervals. Anyone not released by the Parole Board at this stage will be released once they have served three quarters of their sentence in custody. This is known as their None Parole Release Date (NPD). All prisoners will be 'on licence' and subject to supervision by the Probation Service up to the three quarters point in their sentence during which they may be subject to a recall to prison should they breach any of their conditions.

- Prisoners serving sentences of twelve months or more (with the exception of life/IPP/extended sentences), where the offence was committed **after** the 4th April, 2005 are eligible for conditional release at the half way point of the sentence and are then on licence until the end of their sentence. There is no 'at risk' period during the course of these sentences.
- Prisoners given life sentences or Indeterminate Sentences (IPP) will be given a set tariff in court. The tariff is the amount of time the prisoner must serve in custody before they can be considered for release. A life, IPP or Extended sentence prisoner should not expect to be release prior to the completion of this tariff period. There is no guarantee that a prisoner will be released upon completion of this period. The prisoner will only be released once they are no longer deemed to pose a risk to the general public.

What about young offenders?

The rules are the same for young offenders who are under 21 and are serving sentences of more than twelve months. Young offenders serving sentences of less than twelve months will be subject to three months supervision, or up until their 22nd birthday whichever is sooner.

Scotland information is on the next page.



Scotland

Sentencing (also called Penalties)

If you are found guilty of a crime, the courts will take a number of things into consideration before sentencing. The courts will look at your personal circumstances such as your age or whether you have a criminal record. The courts will also consider relevant background information – for example a report about your background and home life, which would usually be written by a social worker – any medical or psychiatric reports put to the prosecution, and any time served in custody leading up to the trial.

The courts will also consider the nature of the crime. Some crimes have a minimum sentence that the courts must administer. The severity of a sentence can also be affected by the nature of the crime, e.g. hate crimes, sexual offences.

Sentences

If you are found guilty, you may be sentenced in the following ways:

Absolute discharge

This is when the Judge decides that the accused will not be punished. The judge may have taken into consideration the nature of the crime, whether it is the accused's first offence, and the age of the accused (whether you are very young or very old).

Admonition

This is a warning to be given to the guilty person. The admonition will be recorded on that person's criminal record.

Community Payback Order

The Community Payback Order replaces the Community Service Orders, Probation Orders and Supervised Attendance Orders.

This order is available to the courts and came into force in 2011. If you are imposed with a Payback Order, you may be ordered to carry out unpaid work in the community, or attend a programme to help with any behavioural or addiction problems.

Compensation

The court may decide that you will pay compensation to your victim(s). The court will take your financial circumstances into account and you will pay any monies directly to the court, who will then deposit it to the victim(s).

Drug Treatment and Testing Orders (DTTO)

If you have a drug misuse problem that the court deems to be serious, you might be ordered to attend drug treatment testing. This order is available in both the High and Sheriff Courts and can be used in place of a prison sentence.

Restriction of Liberty Order

This is where you will be fitted with an electronic tag. You may be subjected to a curfew and you may be ordered to not go to certain addresses or public spaces.

Fine

You may be ordered to pay money to the court. Your financial circumstances will be taken into account.



Prison

If you are given a prison sentence, the court will decide the length and terms. If you are aged between **16 and 21 years**, you will be sent to a Young Offenders Institution.

Please refer to the table below to learn more about the makeup of each Scottish Court.

Court	Type of Judge	Jury?	Sentencing Powers
Justice of the Peace Court	Justice of the Peace	No	Maximum fine: £2,500 Maximum prison sentence: 60 days
Justice of the Peace Court – Stipendiary Magistrate	Stipendiary Magistrate (only in Glasgow)	No	Maximum fine: £5,000 Maximum prison sentence: 12 months
Sheriff Court (Summary)	Sheriff	No	Maximum fine: £5,000 Maximum prison sentence: 12 months
Sheriff Court (Solemn)	Sheriff	Yes	Unlimited maximum fine. Maximum prison sentence: five years (or passed to High Court)
High Court	Judge	Yes	Unlimited maximum fine. Unlimited maximum prison sentence.



