

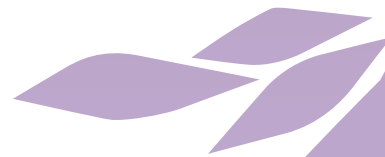


The Scottish Parliament
Pàrlamaid na h-Alba

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2nd Report (Session 5)

COVID-19 Committee

Subordinate Legislation: The Release of Prisoners (Coronavirus) (Scotland) Regulations 2020



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COVID-19 Committee

Remit: To consider and report on the Scottish Government's response to COVID-19 including the operation of powers under the Coronavirus (Scotland) Act, the Coronavirus Act and any other legislation in relation to the response to COVID-19 and any secondary legislation arising from the Coronavirus (Scotland) Act and any other legislation in relation to the response to COVID-19.



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Committee Membership



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Scottish Conservative
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Scottish National Party



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Scottish Green Party



Shona Robison
Scottish National Party



Stewart Stevenson
Scottish National Party



Adam Tomkins
Scottish Conservative
and Unionist Party



Beatrice Wishart
Scottish Liberal
Democrats

Introduction

1. At its meeting on 21 May 2020, the Committee took evidence from Humza Yousaf MSP, Cabinet Secretary for Justice, on [SSI 2020/138: The Release of Prisoners \(Coronavirus\) \(Scotland\) Regulations 2020](#).
2. Apologies were received from Ross Greer and Adam Tomkins. Patrick Harvie and Liam Kerr participated in the meeting as substitute members.
3. The official report of the evidence session is available on the [Committee's website](#).
4. The Delegated Powers and Law Reform Committee considered the Regulations on 19 May and had no issues to report.

The Regulations

5. The Policy Note explains that the Regulations provide “for a limited number of short-term sentenced prisoners to be considered for release on or after 4 May.” Qualifying prisoners must have been sentenced to 18 months or less and must have fewer than 90 days left in custody as of 4 May 2020.
6. Certain categories of prisoner, including those convicted of sexual or terrorism offences and those imprisoned for life, will not be eligible for early release. Further exclusions in relation to domestic abuse, harassment and Covid-19-related offending will also apply. Prison Governors will have powers to veto the release of anyone whom they consider poses an immediate risk of harm to an identified individual. Release can also be delayed on medical grounds where prisoners are thought to have Covid-19.
7. The Policy Note states that the Scottish Government and Scottish Prison Service have agreed that “removing around 300-450 short-sentence prisoners will provide a significant improvement to operating conditions whilst still being proportionate to the current situation.”
8. Releases would be phased on the basis of remaining days to be served in order to provide certainty for those being released and to allow a reasonable period for planning so that services can be aligned to avoid an unmanageable impact.
9. The Policy Note confirms that, whilst there has been no formal consultation on the SSI, discussions have taken place with partners including COSLA, Social Work Scotland and Victim Support Scotland. It further states that whilst there will be an additional impact on public services, detailed financial modelling has not been possible during the current emergency situation.

Decision

10. Following evidence, the Cabinet Secretary moved Motion S5M-21738:

That the COVID-19 Committee recommends that the Release of Prisoners (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/138) be approved.

11. The motion was agreed to by division (for: 7, against: 0; abstentions: 2).

12. The minute of the meeting is available on [the Committee's website](#).

13. The Covid-19 Committee agreed motion S5M-21738.

