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11 June 2024

## **Emergency Release – Scottish Government Governor veto guidance**

Dear Convener,

As the Committee is aware, the emergency release power provided for by section 11 of the Bail and Release from Custody (Scotland) Act 2023 includes a governor veto as one of the safeguards.

That veto provides that a Governor of a prison can prevent the release of an otherwise eligible prisoner if the Governor considers they would pose an immediate risk of harm to a specific individual or group if released.

Section 11 also requires that Scottish Ministers publish guidance on the application of the veto within a year of the provision coming into force. Governors must have regard to this guidance in considering the application of the veto.

I am writing to make the Committee aware that the Scottish Government has today published this guidance, which is intended to provide high level principles to support the application of the veto.

This guidance is intended to be read in conjunction with the Scottish Prison Service's Operational Guidance on emergency release. The SPS guidance includes more operational detail on the application of the veto, including the information sources that Governors should consider when applying the veto.

I attach links to both sets of guidance for the Committee's information.

Scottish Government Governor's Veto Guidance:  
[www.gov.scot/publications/prison-emergency-early-release-veto-guidance-for-governors](http://www.gov.scot/publications/prison-emergency-early-release-veto-guidance-for-governors)

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Scottish Prison Service Operational Guidance – Emergency Release:

<https://www.sps.gov.uk/sites/default/files/2024-06/Emergency%20Release%20Operational%20Guidance%2011%20June%202024.pdf>

Yours sincerely,



**ANGELA CONSTANCE**

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