

Draft Order laid before Parliament under section 46A(7) of the Criminal Justice Act 1991, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

PRISONS, ENGLAND AND WALES

**The Early Removal of Short-Term and Long-Term
Prisoners (Amendment of Requisite Period) Order 2008**

Made - - - - *****
Coming into force - - *7th April 2008*

This Order is made in exercise of the powers conferred by section 46A(6)(a) of the Criminal Justice Act 1991(1).

In accordance with section 46A(7) of that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order:

Citation and Commencement

1. This Order may be cited as the Early Removal of Short-Term and Long-Term Prisoners (Amendment of Requisite Period) Order 2008 and shall come into force on 7th April 2008.

Amendment to the Criminal Justice Act 1991

2. For section 46A(5) of the Criminal Justice Act 1991 substitute—

“(5) In this section “the requisite period” means—

- (a) for a term of less than three years, a period equal to one-quarter of the term; and
- (b) for a term of three years or more, a period that is 270 days less than one-half of the term.”

(1) 1991 c.53. Section 46A was inserted by section 262 of, and paragraphs 1 and 4 of Schedule 20 to, the Criminal Justice Act 2003 (c.44). Section 46A was repealed by sections 303(a) and 332 of, and Part 7 of Schedule 37 to, the Criminal Justice Act 2003 (c.44), but is subject to savings provisions in paragraphs 14, 19 and 33 of Schedule 2 to The Criminal Justice Act 2003 (Commencement No.8 and Transitional and Savings Provisions) Order 2005 (S.I. 2005/950).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Early Removal of Short-Term and Long-Term Prisoners (Amendment of Requisite Period) Order 2008 No. 977

Signed by authority of the Secretary of State

Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the definition of “the requisite period” in section 46A(5) of the Criminal Justice Act 1991. Under section 46A the Secretary of State may remove from prison a short-term or long-term prisoner who is liable to removal under section 46(3) of that Act and who has served the requisite period. The prisoner may be removed from prison only for the purpose of removal from the United Kingdom.

This Order removes the requirement that a prisoner serving a sentence of between three and four months must serve 30 days before the prisoner can be removed from prison.

This Order provides that a prisoner serving less than three years must serve one-quarter of the term before the prisoner can be removed from prison.

This Order also brings forward the time at which a prisoner serving a sentence of three years or over can be removed from prison, by increasing the period from 135 days less than half the term to 270 days less than half the term.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.