

SCHEDULES

SCHEDULE 14

MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Justice Act 1967 (c. 80)

- 18 In section 60 of the Criminal Justice Act 1967 (release on licence of persons serving determinate sentences)—
- (a) in subsection (1), after the word " life ", there shall be inserted the words " or serving a sentence of youth custody. ";
 - (b) the following subsection shall be inserted after subsection (1B)
 - “(1C) Where a sentence of imprisonment for an offence has been passed on a person with an order under subsection (1) of section 47 of the Criminal Law Act 1977 (sentences partly suspended)—
 - (a) if the offender has not been released from prison since the sentence for the offence was passed, the only portion of that sentence that is to be taken into account for the purposes of subsection (1) of this section is any portion of it that he is required to serve in prison under subsection (1) or (3) of the said section 47; and
 - (b) if he is released from prison but part of his sentence for the offence is subsequently restored under subsection (3) of that section, he shall be treated for the purpose of subsection (1) of this section as if his only sentence for the offence were the part of his sentence so restored.”; and
 - (c) in subsection (5A), for the words " any of the preceding paragraphs " there shall be substituted the words " paragraph (a) above ".
- 19 In section 61(1) of that Act (release on licence of persons sentenced to imprisonment for life, etc.) after the word " life ", in the first and second places where it occurs, there shall be inserted the words " or custody for life ".
- 20 In section 62 of that Act (revocation of licences and conviction of prisoners on licence)—
- (a) in subsection (7), after the word " sentence)," there shall be inserted the words " then, except in a case to which subsection (7A) of this section applies, ";
 - (b) the following subsection shall be inserted after that subsection—
 - “(7A) Any such licence shall be treated as revoked where—
 - (a) the offender—
 - (i) was sentenced to imprisonment with an order under subsection (1) of section 47 of the Criminal Law Act 1977 (sentences partly suspended); and

Status: This is the original version (as it was originally enacted).

- (ii) was released on licence before the expiration of any part of his sentence which he was required to serve in prison under subsection (1) of that section ; and
 - (b) by virtue of subsection (3) of that section a court restores any part of the sentence held in suspense, and subsection (9) of this section shall apply to the offender accordingly.”; and
 - (c) in subsection (11)—
 - (i) after the word " sentenced " there shall be inserted the words " to youth custody or " ; and
 - (ii) for the words " the Secretary of State directs that person to be detained" there shall be substituted the words " that person was detained immediately before he was released on licence " .
- 21 In section 64(2)(a) of that Act (which relates to the power conferred on the Secretary of State by section 60 of that Act to insert or include conditions in the licence of any person released under that section after being transferred to either part of Great Britain from another part of the United Kingdom, the Channel Islands or the Isle of Man) for the words from " of this " to " section " there shall be substituted the words " or 61 of this Act to insert or include conditions in the licence of any person released under those sections. " .
- 22 The following subsections shall be inserted after subsection (2) of section 67 of that Act (computation of sentences of imprisonment)—
- “(2A) Where a person is sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (sentences partly suspended), subsection (1) above—
- (a) operates to reduce the part of the sentence required to be served in prison ;
 - (b) operates to reduce the whole period of the sentence for the purposes of section 47(3) of that Act; but
 - (c) does not operate to reduce any part of the sentence which is ordered under section 47(1) of that Act to be held in suspense.
- (2B) Where—
- (a) an offender has been sentenced to imprisonment with an order under section 47(1) of that Act; and
 - (b) he has been released from prison after serving part of his sentence ; and
 - (c) an order is subsequently made restoring part of his sentence,
- the restored part shall for the purposes of this section be treated as a sentence of imprisonment imposed by the order restoring it (but shall not be reduced by any period spent in custody by the offender before the original sentence was passed).”.