

Status: Point in time view as at 01/10/1992.

Changes to legislation: Criminal Justice Act 1991, Cross Heading: Remand time and additional days is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Criminal Justice Act 1991

1991 CHAPTER 53

PART II

EARLY RELEASE OF PRISONERS

Remand time and additional days

41 Remand time to count towards time served.

- (1) This section applies to any person whose sentence falls to be reduced under section 67 of the ^{M1}Criminal Justice Act 1967 (“the 1967 Act”) by any relevant period within the meaning of that section (“the relevant period”).
- (2) For the purpose of determining for the purposes of this Part—
 - (a) whether a person to whom this section applies has served one-half or two-thirds of his sentence; or
 - (b) whether such a person would (but for his release) have served three-quarters of that sentence,the relevant period shall, subject to subsection (3) below, be treated as having been served by him as part of that sentence.
- (3) Nothing in subsection (2) above shall have the effect of reducing the period for which a licence granted under this Part to a short-term or long-term prisoner remains in force to a period which is less than—
 - (a) one-quarter of his sentence in the case of a short-term prisoner; or
 - (b) one-twelfth of his sentence in the case of a long-term prisoner.

Modifications etc. (not altering text)

- C1** Ss. 41-46 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II para. 8(2), **Sch. 5 para. 9(1)** (a); S.I. 1997/2200, **art. 2(1)**.
Ss. 35-46 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II para. 9(2), **Sch. 5 para. 10(1)** (b); S.I. 1997/2200, **art. 2(1)**.

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S. 41 modified (*prosp.*) by 1997 c. 43, ss. 56(1), 57(2), **Sch. 5 para.4** (by 1998 c. 37, s. 120(2), **Sch. 10** and S.I. 1998/2327, **art. 2(1)(aa)(3)(x)** the said Sch. 5 paras. 1-4 were repealed (30.9.1998).

Commencement Information

II Pt. II (ss. 32-51) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M1 1967 c. 80.

42 Additional days for disciplinary offences.

- (1) Prison rules, that is to say, rules made under section 47 of the 1952 Act, may include provision for the award of additional days—
- (a) to short-term or long-term prisoners; or
 - (b) conditionally on their subsequently becoming such prisoners, to persons on remand,
- who (in either case) are guilty of disciplinary offences.
- (2) Where additional days are awarded to a short-term or long-term prisoner, or to a person on remand who subsequently becomes such a prisoner, and are not remitted in accordance with prison rules—
- (a) any period which he must serve before becoming entitled to or eligible for release under this Part; and
 - (b) any period for which a licence granted to him under this Part remains in force, shall be extended by the aggregate of those additional days.

Modifications etc. (not altering text)

- C2** Ss. 41-46 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II para. 8(2), **Sch. 5 para. 9(1)(a)**; S.I. 1997/2200, **art. 2(1)**.
Ss. 35-46 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II para. 9(2), **Sch. 5 para. 10(1)(b)**; S.I. 1997/2200, **art. 2(1)**.

Commencement Information

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