



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

[^{F1} RELEASE, LICENCES^{F1}, SUPERVISION] AND RECALL]

Release on licence

244 Duty to release prisoners

(1) As soon as a fixed-term prisoner, other than a prisoner to whom section [^{F1}243A^{F2}, 244A]^{F3}, 246A] or] 247 applies, has served the requisite custodial period [^{F4}for the purposes of this section], it is the duty of the Secretary of State to release him on licence under this section.

[^{F5}(1A) Subsection (1) does not apply if the prisoner has been released on licence under section 246 [^{F6}or 248] and recalled under section 254 (provision for the release of such persons being made by sections 255B and 255C).]

^{F7}(2)

(3) [^{F8}For the purposes of this section] “the requisite custodial period” means—

(a) [^{F9}in relation to a prisoner serving one sentence], one-half of his sentence,

^{F10}(b)

^{F10}(c)

(d) in relation to a person serving two or more concurrent or consecutive sentences ^{F11}... , the period determined under sections 263(2) and 264(2).

[^{F12}(4) This section is subject to paragraphs 5, 6, 8, 25 and 28 of Schedule 20B (transitional cases).]

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

Textual Amendments

- F1** Words in s. 244(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 6(2)(a)**; S.I. 2012/2906, art. 2(l)
- F2** Word in s. 244(1) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 5**; S.I. 2015/778, art. 3, Sch. 1 para. 72
- F3** Word in s. 244(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 125(2)**, 151(1); S.I. 2012/2906, art. 2(e)
- F4** Words in s. 244(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 6(2)(b)**; S.I. 2012/2906, art. 2(l)
- F5** S. 244(1A) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 114(2)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F6** Words in s. 244(1A) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 9(2)**, 22(1) (with Sch. 7 para. 5); S.I. 2015/40, art. 2(i)
- F7** S. 244(2) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 21(2)**; S.I. 2012/2906, art. 2(h)
- F8** Words in s. 244(3) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 6(3)(a)**; S.I. 2012/2906, art. 2(l)
- F9** Words in s. 244(3)(a) substituted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 18** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F10** S. 244(3)(b)(c) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 21(3)(a)**; S.I. 2012/2906, art. 2(h); S.I. 2012/2906, art. 2(h)
- F11** Words in s. 244(3)(d) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 21(3)(b)**; S.I. 2012/2906, art. 2(h)
- F12** S. 244(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 17 para. 2**; S.I. 2012/2906, art. 2(o)

Commencement Information

- I1** S. 244 partly in force; s. 244 not in force at Royal Assent, see s. 336(3); s. 244(1)(2)(3)(c)(d) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2**, Sch.; s. 244(1)(2)(3)(a)(d) in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

[^{F13}244A] Release on licence of prisoners serving sentence under section 236A

- (1) This section applies to a prisoner (“P”) who is serving a sentence imposed under section 236A.
- (2) The Secretary of State must refer P's case to the Board—
 - (a) as soon as P has served the requisite custodial period, and
 - (b) where there has been a previous reference of P's case to the Board under this subsection and the Board did not direct P's release, not later than the second anniversary of the disposal of that reference.
- (3) It is the duty of the Secretary of State to release P on licence under this section as soon as—
 - (a) P has served the requisite custodial period, and
 - (b) the Board has directed P's release under this section.
- (4) The Board must not give a direction under subsection (3) unless—
 - (a) the Secretary of State has referred P's case to the Board, and

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

- (b) the Board is satisfied that it is not necessary for the protection of the public that P should be confined.
- (5) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the appropriate custodial term, unless P has previously been released on licence under this section and recalled under section 254 (provision for the release of such persons being made by sections 255A to 255C).
- (6) For the purposes of this section—
 - “the appropriate custodial term” means the term determined as such by the court under section 236A;
 - “the requisite custodial period” means—
 - (a) in relation to a person serving one sentence, one-half of the appropriate custodial term, and
 - (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2).]

Textual Amendments

F13 S. 244A inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 1 para. 6](#); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

^{F14}245 Restrictions on operation of section 244(1) in relation to intermittent custody prisoners

.....

Textual Amendments

F14 S. 245 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 22](#); [S.I. 2012/2906](#), art. 2(h)

246 Power to release prisoners on licence before required to do so

- (1) Subject to subsections (2) to (4), the Secretary of State may—
 - (a) release on licence under this section a fixed-term prisoner^{F15} ... at any time during the period of 135 days ending with the day on which the prisoner will have served the requisite custodial period,^{F16} ...
 - ^{F16}(b)
- (2) Subsection (1)(a) does not apply in relation to a prisoner unless—
 - (a) the length of the requisite custodial period is at least 6 weeks, [^{F17}and
 - (b) he has served—
 - (i) at least 4 weeks of that period, and
 - (ii) at least one-half of that period.]
- ^{F18}(3)
- (4) Subsection (1) does not apply where—
 - (a) the sentence is imposed under section [^{F19}226A,] 227[^{F20}, 228 or 236A],

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

- [^{F21}(aa) the sentence is for a term of 4 years or more,]
 - (b) the sentence is for an offence under section 1 of the Prisoners (Return to Custody) Act 1995 (c. 16),
 - (c) the prisoner is subject to a hospital order, hospital direction or transfer direction under section 37, 45A or 47 of the Mental Health Act 1983 (c. 20),
 - (d) the sentence was imposed by virtue of paragraph 9(1)(b) or (c) or 10(1)(b) or (c) of Schedule 8 in a case where the prisoner has failed to comply with a curfew requirement of a community order,
 - (e) the prisoner is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42),
 - (f) the prisoner is liable to removal from the United Kingdom,
 - (g) the prisoner has been released on licence under this section [^{F22}at any time], and has been recalled to prison under section 255(1)(a) [^{F23}(and the revocation has not been cancelled under section 255(3))],
 - [^{F24}(ga) the prisoner has at any time been released on licence under section 34A of the Criminal Justice Act 1991 and has been recalled to prison under section 38A(1)(a) of that Act (and the revocation of the licence has not been cancelled under section 38A(3) of that Act);]
 - (h) the prisoner has been released on licence under section 248 during the currency of the sentence, and has been recalled to prison under section 254,
^{F25} ...
 - [^{F26}(ha) the prisoner has at any time been returned to prison under section 40 of the Criminal Justice Act 1991 or section 116 of the Sentencing Act, or]
 - (i) in the case of a prisoner [^{F27}to whom section 240ZA applies or a direction under section 240A relates], the interval between the date on which the sentence was passed and the date on which the prisoner will have served the requisite custodial period is less than 14 days ^{F28}
- [^{F29}(4ZA) Where subsection (4)(aa) applies to a prisoner who is serving two or more terms of imprisonment, the reference to the term of the sentence is—
- (a) if the terms are partly concurrent, a reference to the period which begins when the first term begins and ends when the last term ends;
 - (b) if the terms are to be served consecutively, a reference to the aggregate of the terms.]
- [^{F30}(4A) In subsection (4)—
- (a) the reference in paragraph (d) to a community order includes a service community order or overseas community order under the Armed Forces Act 2006; and
 - (b) the reference in paragraph (i) to [^{F31}section 240ZA includes] section 246 of that Act.]
- (5) The Secretary of State may by order—
- (a) amend the number of days for the time being specified in subsection (1)(a) ^{F32} ... or (4)(i),
 - (b) amend the number of weeks for the time being specified in subsection (2)(a) or (b)(i), and
 - (c) amend the fraction for the time being specified in subsection (2)(b)(ii) ^{F33}
- (6) In this section—
- ^{F34}

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

“the requisite custodial period” in relation to a person serving any sentence^{F35} ... , has the meaning given by [^{F36}paragraph (a) or (b) of section 243A(3) or (as the case may be)] paragraph (a)^{F35} ... or (d) of section 244(3);

^{F37}
[^{F38}“term of imprisonment” includes a determinate sentence of detention under section 91 or 96 of the Sentencing Act or under section [^{F39}226A, 226B,] 227[^{F40}, 228 or 236A] of this Act.]

Textual Amendments

- F15** Words in s. 246(1)(a) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(2)(a)**; S.I. 2012/2906, art. 2(h)
- F16** S. 246(1)(b) and preceding word omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(2)(b)**; S.I. 2012/2906, art. 2(h)
- F17** S. 246(2)(b) and word substituted (14.7.2008) for s. 246(2)(b) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 24, 153**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 11
- F18** S. 246(3) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(3)**; S.I. 2012/2906, art. 2(h)
- F19** Words in s. 246(4)(a) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 5(2)**; S.I. 2012/2906, art. 2(r)
- F20** Words in s. 246(4)(a) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 7(2)**; S.I. 2015/778, art. 3, Sch. 1 para. 72
- F21** S. 246(4)(aa) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(2), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F22** Words in s. 246(4)(g) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(3)(a), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F23** Words in s. 246(4)(g) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(3)(b), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F24** S. 246(4)(ga) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 15(4), 95(1)** (with s. 15(10)); S.I. 2015/778, art. 3, Sch. 1 para. 11
- F25** Word in s. 246(4)(h) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(4), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F26** S. 246(4)(ha) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(4), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F27** Words in s. 246(4)(i) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 110(9)(a), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F28** Words in s. 246(4)(i) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(4)**; S.I. 2012/2906, art. 2(h)
- F29** S. 246(4ZA) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(5), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F30** S. 246(4A) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), **ss. 378(1), 383, Sch. 16 para. 221**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F31** Words in s. 246(4A)(b) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 110(9)(b), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F32** Words in s. 246(5)(a) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(5)(a)**; S.I. 2012/2906, art. 2(h)
- F33** Words in s. 246(5)(c) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(5)(b)**; S.I. 2012/2906, art. 2(h)
- F34** Words in s. 246(6) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(6)(a)**; S.I. 2012/2906, art. 2(h)

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

- F35** Words in s. 246(6) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(6)(b)**; S.I. 2012/2906, art. 2(h)
- F36** Words in s. 246(6) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 7**; S.I. 2012/2906, art. 2(l)
- F37** Words in s. 246(6) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(6)(c)**; S.I. 2012/2906, art. 2(h)
- F38** Words in s. 246(6) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(6), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F39** Words in s. 246(6) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 5(3)**; S.I. 2012/2906, art. 2(r)
- F40** Words in s. 246(6) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 7(3)**; S.I. 2015/778, art. 3, Sch. 1 para. 72

Commencement Information

- I2** S. 246 wholly in force at 4.4.2005; s. 246 not in force at Royal Assent, see s. 336(3); s. 246(1)(b)(3)(4)(b)-(i)(5)(6) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2, Sch.**; s. 246(5) in force at 7.3.2005 by S.I. 2005/373, **art. 2**; s. 246 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1), Sch. 1 para. 19** (subject to **art. 2(2), Sch. 2**)

[^{F41}246A Release on licence of prisoners serving extended sentence under section 226A or 226B

- (1) This section applies to a prisoner (“P”) who is serving an extended sentence imposed under section 226A or 226B.
- (2) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the requisite custodial period for the purposes of this section [^{F42}if—
 - (a) the sentence was imposed before the coming into force of section 4 of the Criminal Justice and Courts Act 2015,
 - (b) the appropriate custodial term is less than 10 years, and
 - (c) the sentence was not imposed in respect of an offence listed in Parts 1 to 3 of Schedule 15B or in respect of offences that include one or more offences listed in those Parts of that Schedule.]
- (3) [^{F43}In any other case], it is the duty of the Secretary of State to release P on licence in accordance with subsections (4) to (7).
- (4) The Secretary of State must refer P's case to the Board—
 - (a) as soon as P has served the requisite custodial period, and
 - (b) where there has been a previous reference of P's case to the Board under this subsection and the Board did not direct P's release, not later than the second anniversary of the disposal of that reference.
- (5) It is the duty of the Secretary of State to release P on licence under this section as soon as—
 - (a) P has served the requisite custodial period, and
 - (b) the Board has directed P's release under this section.
- (6) The Board must not give a direction under subsection (5) unless—
 - (a) the Secretary of State has referred P's case to the Board, and
 - (b) the Board is satisfied that it is no longer necessary for the protection of the public that P should be confined.

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

(7) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the appropriate custodial term, unless P has previously been released on licence under this section and recalled under section 254 (provision for the release of such persons being made by section 255C).

(8) For the purposes of this section—

“appropriate custodial term” means the term determined as such by the court under section 226A or 226B (as appropriate);

“the requisite custodial period” means—

- (a) in relation to a person serving one sentence, two-thirds of the appropriate custodial term, and
- (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2).]

Textual Amendments

- F41** S. 246A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 125\(3\), 151\(1\); S.I. 2012/2906, art. 2\(e\)](#)
- F42** Words in s. 246A(2) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 4\(2\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 4](#)
- F43** Words in s. 246A(3) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 4\(3\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 4](#)

247 Release on licence of prisoner serving extended sentence under section 227 or 228

(1) This section applies to a prisoner who is serving an extended sentence imposed under section 227 or 228.

(2) As soon as—

- (a) a prisoner to whom this section applies has served [^{F44}the requisite custodial period], ^{F45} . . .
- (b) ^{F46}

it is the duty of the Secretary of State to release him on licence.

- (3) ^{F47}
- (4) ^{F48}
- (5) ^{F49}
- (6) ^{F50}

[^{F51}(7) In this section—

“the appropriate custodial term” means the period determined by the court as the appropriate custodial term under section 227 or 228;

“the requisite custodial period” means—

- (a) in relation to a person serving one sentence, one-half of the appropriate custodial term, and
- (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2).]

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

[^{F52}(8) In its application to a person serving a sentence imposed before 14 July 2008, this section is subject to the modifications set out in paragraph 15 of Schedule 20B (transitional cases).]

Textual Amendments

- F44** Words in s. 247(2)(a) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 14\(3\)\(a\), 95\(1\)](#) (with s. 14(7)); S.I. 2015/778, art. 3, Sch. 1 para. 10
- F45** Word at the end of s. 247(2)(a) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(2\)\(a\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F46** S. 247(2)(b) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(2\)\(b\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F47** S. 247(3) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(3\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F48** S. 247(4) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(3\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F49** S. 247(5) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(3\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F50** S. 247(6) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(3\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F51** S. 247(7) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 14\(3\)\(b\), 95\(1\)](#) (with s. 14(7)); S.I. 2015/778, art. 3, Sch. 1 para. 10
- F52** S. 247(8) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 17 para. 3](#); S.I. 2012/2906, art. 2(o)

Commencement Information

- I3** S. 247 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 19](#) (subject to [art. 2\(2\), Sch. 2](#))

248 Power to release prisoners on compassionate grounds

- (1) The Secretary of State may at any time release a fixed-term prisoner on licence if he is satisfied that exceptional circumstances exist which justify the prisoner's release on compassionate grounds.

^{F53}(2)

Textual Amendments

- F53** S. 248(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 116\(2\), 151\(1\)](#) (with Sch. 15); S.I. 2012/2906, art. 2(d)

Commencement Information

- I4** S. 248 wholly in force at 4.4.2005; s. 248 not in force at Royal Assent, see s. 336(3); s. 248(1) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 248 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 19](#) (subject to [art. 2\(2\), Sch. 2](#))

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

249 Duration of licence

(1) Subject to [^{F54}subsection (3)], where a fixed-term prisoner^{F55}, other than one to whom section 243A applies,] is released on licence, the licence shall, subject to any revocation under section 254 or 255, remain in force for the remainder of his sentence.

[^{F56}(1A) Where a prisoner to whom section 243A applies is released on licence, the licence shall, subject to any revocation under section 254 or 255, remain in force until the date on which, but for the release, the prisoner would have served one-half of the sentence.

This is subject to subsection (3).]

^{F57}(2)

(3) [^{F58}Subsections (1) and (1A) have] effect subject to [^{F59}section] 263(2) (concurrent terms) [^{F60}and sections 264(3C)(a) and 264B]^{F61}... (consecutive terms)^{F62}... .

^{F63}(4)

[^{F64}(5) This section is subject to paragraphs 17, 19 and 26 of Schedule 20B (transitional cases).]

Textual Amendments

- F54** Words in s. 249(1) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(a\)](#); S.I. 2012/2906, art. 2(h)
- F55** Words in s. 249(1) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(2\)](#); S.I. 2012/2906, art. 2(l)
- F56** S. 249(1A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(3\)](#); S.I. 2012/2906, art. 2(l)
- F57** S. 249(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(b\)](#); S.I. 2012/2906, art. 2(h)
- F58** Words in s. 249(3) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(4\)\(a\)](#); S.I. 2012/2906, art. 2(l)
- F59** Word in s. 249(3) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 5\(4\)\(a\), 22\(1\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(e)
- F60** Words in s. 249(3) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 5\(4\)\(b\), 22\(1\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(e)
- F61** Words in s. 249(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(4\)\(b\)](#); S.I. 2012/2906, art. 2(l)
- F62** Words in s. 249(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(c\)](#); S.I. 2012/2906, art. 2(h)
- F63** S. 249(4) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(d\)](#); S.I. 2012/2906, art. 2(h)
- F64** S. 249(5) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 17 para. 4](#); S.I. 2012/2906, art. 2(o)

Commencement Information

- I5** S. 249 wholly in force at 4.4.2005; s. 249 not in force at Royal Assent, see s. 336(3); s. 249 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 249 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\)](#) Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

250 Licence conditions

(1) In this section—

- (a) “the standard conditions” means such conditions as may be prescribed for the purposes of this section as standard conditions, and
- (b) “prescribed” means prescribed by the Secretary of State by order.

^{F65}(2)

^{F66}(2A)

^{F67}(3)

(4) Any licence under this Chapter in respect of a prisoner serving a sentence of imprisonment ^{F68}... (including ^{F68}... a sentence imposed under section [^{F69}226A][^{F70}, 227 or 236A]) or any sentence of detention under section 91 [^{F71}or 96] of the Sentencing Act or section [^{F72}226A, 226B,][^{F73}227][^{F74}, 228 or 236A] of this Act—

- (a) must include the standard conditions,
- ^{F75}(aa) must include any electronic monitoring conditions required by an order under section 62A of the Criminal Justice and Court Services Act 2000,] and
- (b) may include—
 - (i) any [^{F76}other] condition authorised by section 62[^{F77}, 64 or 64A] of the Criminal Justice and Court Services Act 2000 [^{F78}or section 28 of the Offender Management Act 2007], and
 - (ii) such other conditions of a kind prescribed by the Secretary of State for the purposes of this paragraph as the Secretary of State may for the time being specify in the licence.

(5) A licence under section 246 must also include a curfew condition complying with section 253.

^{F79}(5A) Subsection (5B) applies to a licence granted, either on initial release or after recall to prison, [^{F80}to—

- (a) a prisoner] serving an extended sentence imposed under section 226A or 226B, other than a sentence that meets the conditions in section 246A(2) (release without direction of the Board)[^{F81}, or
- (b) a prisoner serving a sentence imposed under section 236A.]

(5B) The Secretary of State must not—

- (a) include a condition referred to in subsection (4)(b)(ii) in the licence, either on release or subsequently, or
- (b) vary or cancel any such condition included in the licence, unless the Board directs the Secretary of State to do so.]

^{F82}(6)

^{F83}(7)

(8) In exercising his powers to prescribe standard conditions or the other conditions referred to in subsection (4)(b)(ii), the Secretary of State must have regard to the following purposes of the supervision of offenders while on licence under this Chapter—

- (a) the protection of the public,
- (b) the prevention of re-offending, and

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

- (c) securing the successful re-integration of the prisoner into the community.

Textual Amendments

- F65** S. 250(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 25\(a\)](#); S.I. 2012/2906, art. 2(h)
- F66** S. 250(2A) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 25\(a\)](#); S.I. 2012/2906, art. 2(h)
- F67** S. 250(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 25\(a\)](#); S.I. 2012/2906, art. 2(h)
- F68** Words in s. 250(4) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 9](#); S.I. 2012/2906, art. 2(l)
- F69** Words in s. 250(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 20 para. 6\(2\)\(a\)](#); S.I. 2012/2906, art. 2(r)
- F70** Words in s. 250(4) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 1 para. 17\(2\)\(a\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 72
- F71** Words in s. 250(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 117\(5\)\(a\)](#), 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F72** Words in s. 250(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 20 para. 6\(2\)\(b\)](#); S.I. 2012/2906, art. 2(r)
- F73** Words in s. 250(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 117\(5\)\(b\)](#), 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F74** Words in s. 250(4) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 1 para. 17\(2\)\(b\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 72
- F75** S. 250(4)(aa) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 2 para. 4\(2\)](#) (with s. 7(5)); S.I. 2015/778, art. 3, Sch. 1 para. 73
- F76** Word in s. 250(4)(b)(i) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 2 para. 4\(3\)](#) (with s. 7(5)); S.I. 2015/778, art. 3, Sch. 1 para. 73
- F77** Words in s. 250(4)(b)(i) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 12\(2\)](#), 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(k)
- F78** Words in s. 250(4)(b)(i) inserted (for specified purposes and with effect in accordance with art. 5 of the commencing S.I., 6.1.2014 in so far as not already in force) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 28\(5\)](#), 41(1); S.I. 2009/32, arts. 3(a), 4; S.I. 2013/1963, art. 2(1)
- F79** S. 250(5A)(5B) substituted for s. 250(5A) (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 15\(5\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 11
- F80** Words in s. 250(5A) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 1 para. 17\(3\)\(a\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 72
- F81** S. 250(5A)(b) and word inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 1 para. 17\(3\)\(b\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 72
- F82** S. 250(6) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 25\(a\)](#); S.I. 2012/2906, art. 2(h)
- F83** S. 250(7) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 5\(5\)](#), 22(1) (with Sch. 7 para. 2); S.I. 2015/40, art. 2(e)

Commencement Information

- I6** S. 250 partly in force; s. 250 not in force at Royal Assent, see s. 336(3); s. 250(1)-(3)(5)-(8) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 250(1)(2)(b)(ii)(4)(b)(ii)(8) in force at 7.3.2005 by [S.I. 2005/373](#), [art. 2](#); s. 250(1)(4)-(7) in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

^{F84} 251 Licence conditions on re-release of prisoner serving sentence of less than 12 months

Textual Amendments

F84 S. 251 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 26](#); S.I. 2012/2906, art. 2(h)

Commencement Information

I7 S. 251 partly in force; s. 251 not in force at Royal Assent, see s. 336(3); s. 251 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

252 Duty to comply with licence conditions

[^{F85}(1)] A person subject to a licence under this Chapter must comply with such conditions as may for the time being be specified in the licence.

[^{F86}(2) But where—

(a) the licence relates to a sentence of imprisonment passed by a service court, [^{F87}and]

^{F88}(b)

(c) the person is residing outside the British Islands,

the conditions specified in the licence apply to him only so far as it is practicable for him to comply with them where he is residing.]

Textual Amendments

F85 S. 252 renumbered (28.3.2009 for certain purposes, otherwise 31.10.2009) as s. 252(1) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 224\(1\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, [art. 4](#)

F86 S. 252(2) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 224\(2\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); S.I. 2009/1167, [art. 4](#)

F87 Word in s. 252(2)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 27\(a\)](#); S.I. 2012/2906, art. 2(h)

F88 S. 252(2)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 27\(b\)](#); S.I. 2012/2906, art. 2(h)

Commencement Information

I8 S. 252 wholly in force at 4.4.2005; s. 252 not in force at Royal Assent, see s. 336(3); s. 252 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 252 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), {art. 2(1)}, [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

253 Curfew condition to be included in licence under section 246^{F89}, 255B or 255C]

(1) For the purposes of this Chapter, a curfew condition is a condition which—

(a) requires the released person to remain, for periods for the time being specified in the condition, at a place for the time being so specified (which may

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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)

be premises approved by the Secretary of State under [F90section 13 of the Offender Management Act 2007 (c.21)], and

(b) includes [F91a requirement, imposed under section 62 of the Criminal Justice and Court Services Act 2000, to submit to] electronic monitoring of his whereabouts during the periods for the time being so specified.

(2) The curfew condition may specify different places or different periods for different days, but may not specify periods which amount to less than 9 hours in any one day (excluding for this purpose the first and last days of the period for which the condition is in force).

(3) The curfew condition is to remain in force until the date when the released person would (but for his release) fall to be released [F92unconditionally under section 243A or] on licence under section 244.

F93(4)

F94(5)

(6) Nothing in this section is to be taken to require the Secretary of State to ensure that arrangements are made for the electronic monitoring of released persons' whereabouts in any particular part of England and Wales.

Textual Amendments

F89 Words in s. 253 heading inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 114(3)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)

F90 Words in s. 253(1)(a) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 3, **Sch. 1 para. 19(14)**

F91 Words in s. 253(1) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 2 para. 5(2)** (with s. 7(5)); S.I. 2015/778, art. 3, [Sch. 1 para. 73](#)

F92 Words in s. 253(3) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 14 para. 10**; S.I. 2012/2906, art. 2(l)

F93 S. 253(4) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 28**; S.I. 2012/2906, art. 2(h)

F94 S. 253(5) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 2 para. 5(3)** (with s. 7(5)); S.I. 2015/778, art. 3, [Sch. 1 para. 73](#)

Commencement Information

I9 S. 253 wholly in force at 4.4.2005; s. 253 not in force at Royal Assent, see s. 336(3); s. 253 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), **art. 2, Sch.**; s. 253(5) in force at 7.3.2005 by [S.I. 2005/373](#), **art. 2**; s. 253 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Status:

Point in time view as at 25/05/2018.

Changes to legislation:

Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 26 September 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.