



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 6

#### [<sup>F1</sup> RELEASE, LICENCES AND RECALL ]

#### *Persons liable to removal from the United Kingdom*

#### **260 Early removal of prisoners liable to removal from United Kingdom**

(1) [<sup>F1</sup>subsection (2)], where a fixed-term prisoner is liable to removal from the United Kingdom, the Secretary of State may remove him from prison under this section at any time during the period of [<sup>F2</sup>270] days ending with the day on which the prisoner will have served the requisite custodial period.

[<sup>F3</sup>(2) Subsection (1) does not apply in relation to a prisoner unless he has served at least one-half of the requisite custodial period.]

[<sup>F4</sup>(2A) If a fixed-term prisoner serving an extended sentence imposed under section 226A or 226B—

- (a) is liable to removal from the United Kingdom, and
- (b) has not been removed from prison under this section during the period mentioned in subsection (1),

the Secretary of State may remove the prisoner from prison under this section at any time after the end of that period.

(2B) Subsection (2A) applies whether or not the Board has directed the prisoner's release under section 246A.]

[<sup>F5</sup>(3) .....

*Status: Point in time view as at 07/10/2013. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 2003, Section 260 is up to date with all changes known to be in force on or before 15 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)*

<sup>F6</sup>(3A) .....

- (4) A prisoner removed from prison under this section—
- (a) is so removed only for the purpose of enabling the Secretary of State to remove him from the United Kingdom under powers conferred by—
    - (i) Schedule 2 or 3 to the Immigration Act 1971, or
    - (ii) section 10 of the Immigration and Asylum Act 1999 (c. 33), and
  - (b) so long as remaining in the United Kingdom, remains liable to be detained in pursuance of his sentence until he has served the requisite custodial period.
- (5) So long as a prisoner removed from prison under this section remains in the United Kingdom but has not been returned to prison, any duty or power of the Secretary of State under section [<sup>F7</sup>243A,] 244[<sup>F8</sup>, 246A ][<sup>F9</sup>, 247] or 248 is exercisable in relation to him as if he were in prison.
- (6) The Secretary of State may by order—
- (a) amend the number of days for the time being specified in subsection (1) <sup>F10</sup> ... ,
  - <sup>F11</sup>(b) .....
  - (c) amend the fraction for the time being specified in [<sup>F12</sup>subsection (2)].
- [<sup>F13</sup>(7) In this section “requisite custodial period”—
- [<sup>F14</sup>(za) in relation to a prisoner serving an extended sentence imposed under section 226A or 226B, has the meaning given by paragraph (a) or (b) of the definition in section 246A(8);]
  - (a) in relation to a prisoner serving an extended sentence imposed under section 227 or 228, means one-half of the appropriate custodial term (determined by the court under that section);
  - (b) in any other case, has the meaning given by [<sup>F15</sup>paragraph (a) or (b) of section 243A(3) or (as the case may be)] paragraph (a) <sup>F16</sup>... or (d) of section 244(3).]
- [<sup>F17</sup>(8) Paragraphs 36 and 37 of Schedule 20B (transitional cases) make further provision about early removal of certain prisoners.]

#### Textual Amendments

- F1** Words in s. 260(1) substituted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 34\(4\)\(a\), 153; S.I. 2008/2712, art. 2, Sch. para. 5](#) (subject to arts. 3, 4)
- F2** Word in s. 260(1) substituted (7.4.2008) by [The Early Removal of Fixed-Term Prisoners \(Amendment of Eligibility Period\) Order 2008 \(S.I. 2008/978\), art. 2](#)
- F3** S. 260(2) substituted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 34\(5\), 153; S.I. 2008/2712, art. 2, Sch. para. 5](#) (subject to arts. 3, 4)
- F4** S. 260(2A)(2B) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 20 para. 9\(2\); S.I. 2012/2906, art. 2\(r\)](#)
- F5** S. 260(3) repealed (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 34\(6\), 149, 153, Sch. 28 Pt. 2; S.I. 2008/2712, art. 2, Sch. paras. 5, 19\(2\)\(b\)](#) (subject to arts. 3, 4)
- F6** S. 260(3A) repealed (31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 34\(6\), 149, 153\(7\), Sch. 28 Pt. 2; S.I. 2009/2606, art. 3\(j\)\(i\)](#)
- F7** Words in s. 260(5) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 11\(a\); S.I. 2012/2906, art. 2\(l\)](#)
- F8** Words in s. 260(5) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 20 para. 9\(3\); S.I. 2012/2906, art. 2\(r\)](#)

---

*Status: Point in time view as at 07/10/2013. This version of this provision has been superseded.*

**Changes to legislation:** Criminal Justice Act 2003, Section 260 is up to date with all changes known to be in force on or before 15 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)

---

- F9** Words in s. 260(5) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 116(5), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F10** Words in s. 260(6)(a) repealed (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 34(8)(a), 149, 153, **Sch. 28 Pt. 2**; S.I. 2008/2712, **art. 2**, Sch. paras. 5, 19(2)(b) (subject to arts. 3, 4)
- F11** S. 260(6)(b) repealed (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 34(8)(b), 149, 153, **Sch. 28 Pt. 2**; S.I. 2008/2712, **art. 2**, Sch. paras. 5, 19(2)(b) (subject to arts. 3, 4)
- F12** Words in s. 260(6)(c) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 34(8)(c), 153**; S.I. 2008/2712, **art. 2**, Sch. para. 5 (subject to arts. 3, 4)
- F13** S. 260(7) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 34(9), 153**; S.I. 2008/2712, **art. 2**, Sch. para. 5 (subject to arts. 3, 4)
- F14** S. 260(7)(za) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 9(4)**; S.I. 2012/2906, art. 2(r)
- F15** Words in s. 260(7) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 11(b)**; S.I. 2012/2906, art. 2(l)
- F16** Words in s. 260(7) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 29**; S.I. 2012/2906, art. 2(h)
- F17** S. 260(8) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 17 para. 6**; S.I. 2012/2906, art. 2(o)

---

#### **Commencement Information**

- I1** S. 260 wholly in force at 4.4.2005; s. 260 not in force at Royal Assent, see s. 336(3); s. 260(6) in force at 7.3.2005 by S.I. 2005/373, **art. 2**; s. 260 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 07/10/2013. This version of this provision has been superseded.

**Changes to legislation:**

Criminal Justice Act 2003, Section 260 is up to date with all changes known to be in force on or before 15 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.