

## SCHEDULES

### SCHEDULE 1

#### SENTENCE AND PAROLE BOARD RELEASE FOR OFFENDERS OF PARTICULAR CONCERN

#### PART 4

#### CONSEQUENTIAL PROVISION

##### *Road Traffic Offenders Act 1988 (c. 53)*

- 11 (1) Section 35A(4) of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence also imposed) is amended as follows.
- (2) In paragraph (e), for “that Act” (in the first place) substitute “the Criminal Justice Act 2003”.
- (3) After paragraph (f) insert—
- “(fa) in the case of a sentence under section 236A of that Act (special custodial sentence for certain offenders of particular concern), a period equal to half of the term imposed pursuant to section 236A(2) (a) of that Act;”.

##### *Crime (Sentences) Act 1997 (c. 43)*

- 12 (1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.
- (2) In paragraph 8(2)(a) (restricted transfers from England and Wales to Scotland), after “244” insert “, 244A”.
- (3) In paragraph 9(2)(a) (restricted transfers from England and Wales to Northern Ireland), after “244” insert “, 244A”.

##### *Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 13 (1) Section 147A(4) of the Powers of Criminal Courts (Sentencing) Act 2000 (extension of disqualification where custodial sentence also imposed) is amended as follows.
- (2) In paragraph (e), for “that Act” (in the first place) substitute “the Criminal Justice Act 2003”.
- (3) After paragraph (f) insert—
- “(fa) in the case of a sentence under section 236A of that Act (special custodial sentence for certain offenders of particular concern), a period equal to half of the term imposed pursuant to section 236A(2) (a) of that Act;”.

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*Status: This is the original version (as it was originally enacted).*

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*Criminal Justice Act 2003 (c. 44)*

- 14 The Criminal Justice Act 2003 is amended as follows.
- 15 (1) Section 237 (meaning of “fixed-term prisoner”) is amended as follows.
- (2) In subsection (1)(b), for “ or 228” substitute “, 228 or 236A”.
- (3) In subsection (1B)—
- (a) omit “and” at the end of paragraph (c), and
- (b) at the end insert “, and
- (e) references to a sentence under section 236A of this Act include a sentence under that section passed as a result of section 224A of that Act.”
- (4) In subsection (3), for “or 227” substitute “, 227 or 236A”.
- 16 In section 240ZA(11) (time remanded in custody to count as time served), for “or 228” substitute “, 228 or 236A”.
- 17 (1) Section 250 (licence conditions) is amended as follows.
- (2) In subsection (4)—
- (a) for “or 227” substitute “, 227 or 236A”, and
- (b) for “or 228” substitute “, 228 or 236A”.
- (3) In subsection (5A) (inserted by section 15 of this Act)—
- (a) for “to a prisoner” substitute “to—
- (a) a prisoner”, and
- (b) at the end insert “, or
- (b) a prisoner serving a sentence imposed under section 236A.”
- 18 In section 256AA(1) (supervision after end of sentence of prisoners serving less than 2 years), after paragraph (b) (but before “or”) insert—
- “(ba) the sentence was imposed under section 236A.”.
- 19 In section 258(3A) (early release of fine defaulters and contemnors), for “or 228” substitute “, 228 or 236A”.
- 20 (1) Section 260 (early removal of prisoners liable to removal from United Kingdom) is amended as follows.
- (2) In subsection (2A), after “226B” insert “or a sentence under section 236A”.
- (3) In subsection (5), after “244” insert “, 244A”.
- 21 In section 261(5)(b) (re-entry into United Kingdom of offender removed from prison early), after “244” insert “, 244A”.
- 22 In section 263(4) (concurrent terms), for “or 228” substitute “, 228 or 236A”.
- 23 (1) Section 264 (consecutive terms) is amended as follows.
- (2) For subsection (6) substitute—
- “(6) In this section “custodial period” means—
- (a) in relation to an extended sentence imposed under section 226A or 226B, two-thirds of the appropriate custodial term determined by the court under that section,

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- (b) in relation to an extended sentence imposed under section 227 or 228, one-half of the appropriate custodial term determined by the court under that section,
  - (c) in relation to a sentence imposed under section 236A, one-half of the appropriate custodial term determined by the court under that section, and
  - (d) in relation to any other sentence, one-half of the sentence.”
- (3) In subsection (7), for “or 228” substitute “, 228 or 236A”.
- 24 In section 265(2) (restriction on consecutive sentences for released prisoners), for “or 228” substitute “, 228 or 236A”.

*Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*

- 25 (1) Section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for release on licence of certain prisoners) is amended as follows.
- (2) In subsection (2), after paragraph (b) (but before “or”) insert—  
“(ba) a section 236A prisoner,”.
  - (3) In subsection (3), before paragraph (b) insert—  
“(ab) amend section 244A of the Criminal Justice Act 2003 (release on licence of section 236A prisoners),”.
  - (4) In subsection (6), at the end insert—  
““section 236A prisoner” means a prisoner who is serving a sentence under section 236A of the Criminal Justice Act 2003 (including one imposed as a result of section 224A of the Armed Forces Act 2006).”