

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AND RELATED AMENDMENTS

PART 6

AMENDMENTS IN RELATION TO RELEASE: ENGLAND AND WALES

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

- 44 In section 106A(6) of the Powers of Criminal Courts (Sentencing) Act 2000 (Parole Board directions when detention and training order to take effect on release from sentence of detention), after “under that section” insert “or paragraph”.

Criminal Justice Act 2003 (c. 44)

- 45 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 247A (restricted eligibility for release on licence of terrorist prisoners)—
- (a) in subsection (2)—
- (i) in the words before paragraph (a), for “whether it was committed before or after this section comes into force” substitute “whenever it was committed”;
- (ii) for paragraphs (b) and (c) substitute—
- “(b) it is a service offence as respects which the corresponding civil offence is so specified, or
- (c) it was determined to have a terrorist connection.”;
- (b) after subsection (7) insert—
- “(7A) For the purposes of this section, an offence was determined to have a terrorist connection if it was—
- (a) determined to have a terrorist connection under—
- (i) section 69 of the Sentencing Code (including as applied by section 238(6) of the Armed Forces Act 2006),
- (ii) section 30 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in England and Wales before the Sentencing Code applied, or an offender sentenced in Northern Ireland but now subject to the provisions of this Chapter), or
- (iii) section 32 of that Act (in the case of a person sentenced for a service offence before the Sentencing Code applied), or

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- (b) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland but now subject to the provisions of this Chapter).”;
 - (c) in subsection (8), in the final definition, for “, “corresponding civil offence” and “service court”” substitute “and “corresponding civil offence””;
 - (d) in subsection (9) (transitional provision for pre-commencement referrals of terrorist prisoners), in paragraph (a), for “sentence” substitute “period”;
 - (e) after subsection (10) insert—
 - “(10A) In the case of a prisoner to whom this section applies as a result of the amendments made by sub-paragraph (2) of paragraph 45 of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021, the references in subsections (9) and (10) to the date on which this section comes into force are to be read as references to the date on which that sub-paragraph comes into force.”
- (3) In section 250 (licence conditions)—
- (a) in subsection (5A), in each of paragraphs (a) and (b), after “a prisoner” insert “, other than a terrorist prisoner,”;
 - (b) after subsection (5A) insert—
 - “(5AA) Subsection (5B) also applies to a licence granted, either on initial release or after recall to prison, to a terrorist prisoner in a case where the licence is granted following a direction of the Board for the prisoner’s release.”;
 - (c) omit subsection (5BA);
 - (d) after subsection (8) insert—
 - “(9) In this section “terrorist prisoner” means a prisoner to whom section 247A applies, or would apply but for the prisoner’s having been released on licence.”
- (4) In section 264(6A) (custodial periods to be aggregated in case of consecutive terms served by terrorist prisoner)—
- (a) before paragraph (a) insert—
 - “(za) in relation to a sentence within subsection (2A) of that section, the whole of the “appropriate custodial term” within the meaning of that section (see subsection (8) of that section),”;
 - (b) in paragraph (a), after “extended sentence” insert “(not being one to which paragraph (za) applies)”.
- (5) In section 264AA(2) (Parole Board directions when detention and training order to take effect on release from sentence of detention), after “under that section” insert “or paragraph”.
- (6) In Schedule 19ZA (offences carrying restricted eligibility for release on licence), omit Part 2.

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

- 46 In section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to alter test for discretionary release on licence)—
- (a) in subsection (2), in paragraphs (bb) and (c), after “terrorist prisoner” insert “eligible for discretionary release”;
 - (b) in subsection (6)—
 - (i) in the definitions of “extended sentence prisoner” and “section 236A prisoner”, for “a terrorist prisoner” substitute “one to whom section 247A of the Criminal Justice Act 2003 applies”;
 - (ii) in the definition of “terrorist prisoner”—
 - (a) after “terrorist prisoner” insert “eligible for discretionary release”;
 - (b) after “247A” insert “(3) to (5)”.