

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order modifies the application of sections 244 and 264 of the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”).

The Secretary of State is required to release on licence prisoners serving fixed-term sentences once they have served the requisite custodial period, which is set by section 244(3) of the 2003 Act.

Article 3 of this Order modifies the application of section 244(3)(a) so that prisoners serving a fixed-term sentence of seven years or more for a relevant violent or sexual offence (as specified in article 2, where not excluded by article 5) cannot be released on licence until they have served two thirds of their sentence.

Article 4 of this Order makes consequential provision for modification of the application of section 264(6)(d), which affects prisoners serving consecutive sentences. Where the sentence is for a term of seven years or more and is imposed for a relevant violent or sexual offence the proportion of that sentence that must be served will be two thirds of the sentence. Any sentence served consecutively which is not imposed for a term of seven years or more and for a relevant violent or sexual offence will retain the half way release point.

Article 5 of this Order excludes from the operation of the Order prisoners sentenced before the Order comes into force, those aged under 18 at the time of sentence, and those who receive a sentence under section 236A of the 2003 Act.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from [www.legislation.gov.uk](http://www.legislation.gov.uk).