



# Criminal Justice Act 1967

## 1967 CHAPTER 80

### PART III

#### TREATMENT OF OFFENDERS

##### *Release of prisoners on licence and supervision of prisoners after release*

#### **59 Constitution and functions of Parole Board and local review committees.**

- (1) For the purpose of exercising the functions conferred on it by this Part of this Act as respects England and Wales there shall be a body to be known as the Parole Board and for the purpose of exercising those functions as respects Scotland there shall be a body to be known as the Parole Board for Scotland, each body consisting of a chairman and not less than four other members appointed by the Secretary of State.
- (2) Any reference in the following provisions of this Part of this Act (including Schedule 2 thereto) to the Parole Board shall be construed as a reference to the Parole Board or the Parole Board for Scotland, as the case may require.
- (3) It shall be the duty of the Board to advise the Secretary of State with respect to—
  - (a) the release on licence under section 60(1) or 61, and the recall under section 62, of this Act of persons whose cases have been referred to the Board by the Secretary of State;
  - (b) the conditions of such licences and the variation or cancellation of such conditions ; and
  - (c) any other matter so referred which is connected with the release on licence or recall of persons to whom the said section 60 or 61 applies.
- (4) The following provisions shall have effect with respect to the proceedings of the Board on any case referred to it, that is to say—
  - (a) the Board shall deal with the case on consideration of any documents given to it by the Secretary of State and of any reports it has called for and any information whether oral or in writing that it has obtained; and

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- (b) if in any particular case the Board thinks it necessary to interview the person to whom the case relates before reaching a decision, the Board may request one of its members to interview him and shall take into account the report of that interview by that member;

and, without prejudice to the foregoing, the Secretary of State may by rules make provision with respect to the proceedings of the Board on cases referred to it, including provision authorising such cases to be dealt with by a prescribed number of members of the Board.

- (5) The documents to be given by the Secretary of State to the Board under the last foregoing subsection shall include—
  - (a) where the case referred to the Board is one of release under section 60 or 61 of this Act, any written representations made by the person to whom the case relates in connection with or since his last interview in accordance with rules under the next following subsection;
  - (b) where the case so referred relates to a person recalled under section 62 of this Act, any written representations made under that section.
- (6) The Secretary of State may by rules make provision—
  - (a) for the establishment and constitution of local review committees having the duty of reviewing at such times or in such circumstances as may be prescribed by or determined under the rules the cases of persons who are or will become eligible for release under section 60 or 61 of this Act and reporting to the Secretary of State on their suitability for release on licence; and
  - (b) for the interview of such persons by a member of any such committee (not being a prison officer);

and rules under this subsection may make different provision for different cases.
- (7) The supplementary provisions contained in Schedule 2 to this Act shall have effect with respect to the Parole Board and local review committees.

## **60 Release on licence of persons serving determinate sentences.**

- (1) The Secretary of State may, if recommended to do so by the Parole Board, release on licence a person serving a sentence of imprisonment, other than imprisonment for life, after he has served not less than one-third of his sentence or twelve months thereof, whichever expires the later.
- (2) A person whose sentence falls to be reduced under section 67 of this Act shall, for the purpose of determining under the foregoing subsection whether he has served one-third of his sentence, be treated as if any period spent in custody between conviction and sentence and taken into account under that section were included in his sentence and as if he had served that period as part of that sentence.
- (3) Without prejudice to his earlier release under subsection (1) of this section the Secretary of State may direct that—
  - (a) a person serving a sentence of imprisonment in respect of whom an extended sentence certificate was issued when the sentence was passed ; or
  - (b) a person serving a sentence of imprisonment for a term of eighteen months or more who was under the age of twenty-one when the sentence was passed ;

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shall, instead of being granted remission of any part of his sentence under the prison rules, be released on licence at any time on or after the day on which he could have been discharged from prison if the remission had been granted.

- (4) A person subject to a licence under this section shall comply with such conditions, if any, as may for the time being be specified in the licence.
- (5) The Secretary of State shall consult the Board before including on release, or subsequently inserting, a condition in a licence under this section or varying or cancelling any such condition; and for the purposes of this subsection the Secretary of State shall be treated as having consulted the Board about a proposal to include, insert, vary or cancel a condition in any case if he has consulted the Board about the implementation of proposals of that description generally or in that class of case.
- (6) A licence granted to any person under this section shall, unless previously revoked under section 62 of this Act, remain in force until a date specified in the licence, being—
  - (a) in the case of a licence granted to a person in respect of whom an extended sentence certificate was issued when sentence was passed on him or to a person who was under the age of twenty-one when sentence was passed on him, the date of the expiration of the sentence;
  - (b) in any other case, the date on which he could have been discharged from prison on remission of part of his sentence under the prison rules if, after the date of his release on licence, he had not forfeited remission of any part of the sentence under the rules.
- (7) Section 20 of and Schedule 3 to the Criminal Justice Act 1961 (supervision of discharged prisoners) shall cease to have effect.
- (8) In the application of this section to Scotland—
  - (a) the expression " prison rules " means rules under section 35 of the Prisons (Scotland) Act 1952; '
  - (b) the expression " imprisonment " includes detention in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952 ;
  - (c) subsection (3)(a) shall be omitted ;
  - (d) in paragraph (a) of subsection (6), the words from " to a person " where they first occur to " or " shall be omitted.

## **61 Release on licence of persons sentenced to imprisonment for life, etc.**

- (1) The Secretary of State may, if recommended to do so by the Parole Board, release on licence a person serving a sentence of imprisonment for life or a person detained under section 53 of the Children and Young Persons Act 1933 (young offenders convicted of grave crimes), but shall not do so in the case of a person sentenced to imprisonment for life or to detention during Her Majesty's pleasure or for life except after consultation with the Lord Chief Justice of England together with the trial judge if available.
- (2) Subsections (4) and (5) of the last foregoing section shall apply in relation to a licence under this section as they apply in relation to a licence under that section.
- (3) A licence granted under this section to any person sentenced under section 53(2) of the Children and Young Persons Act 1933 to be detained otherwise than for life shall, unless previously revoked under the next following section, remain in force until a date specified in the licence, being the date of the expiration of the sentence.

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- (4) In the application of this section to Scotland—
- (a) for the references to section 53 and 53(2) of the Children and Young Persons Act 1933 there shall be substituted respectively references to section 57 and 57(2) of the Children and Young Persons (Scotland) Act 1937;
  - (b) in subsection (1), for the words " Lord Chief Justice of England " there shall be substituted the words " Lord Justice General ".

## **62 Revocation of licences and conviction of prisoners on licence.**

- (1) Where the Parole Board recommends the recall of any person who is subject to a licence under section 60 or 61 of this Act, the Secretary of State may revoke that person's licence and recall him to prison.
- (2) The Secretary of State may revoke the licence of any such person and recall him as aforesaid without consulting the Board, where it appears to him that it is expedient in the public interest to recall that person before such consultation is practicable.
- (3) A person recalled to prison under the foregoing provisions of this section may make representations in writing with respect to his recall and shall on his return to prison be informed of the reasons for his recall and of his right to make such representations.
- (4) The Secretary of State shall refer to the Board the case of a person recalled under subsection (1) of this section who makes representations under the last foregoing subsection and shall in any event so refer the case of a person returned to prison after being recalled under subsection (2) of this section.
- (5) Where the Board recommends the immediate release on licence of a person whose case is referred to it under this section, the Secretary of State shall give effect to the recommendation, and where it is necessary for that purpose to release that person under subsection (1) of the last foregoing section, the Secretary of State shall do so without the consultation required by that subsection.
- (6) If a person subject to a licence under section 60 or 61 of this Act is convicted by a magistrates' court of an offence punishable on indictment with imprisonment, the court may commit him in custody or on bail to quarter sessions for sentence in accordance with section 29 of the Criminal Justice Act 1948 (power of quarter sessions to sentence persons convicted by magistrates' courts of indictable offences).
- (7) If a person subject to any such licence is convicted on indictment of such an offence as aforesaid or is committed to quarter sessions for sentence as aforesaid or under section 29 of the Magistrates' Courts Act 1952 (committal of persons convicted of indictable offences for sentence), the court by which he is convicted or to which he is committed, as the case may be, may, whether or not it passes any other sentence on him, revoke the licence.
- (8) If a person subject to a licence under section 60 or 61 of this Act is convicted by the High Court of Justiciary, or by a sheriff, whether summarily or on indictment, of an offence punishable on indictment with imprisonment, the court by which he is convicted may, whether or not it passes any other sentence on him, revoke the licence.
- (9) On the revocation of the licence of any person under this section, he shall be liable to be detained in pursuance of his sentence, and, if at large, shall be deemed to be unlawfully at large.

- (10) If in the case of a person subject to a licence under section 60 of this Act a court of assize or quarter sessions or the High Court of Justiciary or a sheriff revokes that licence under this section, the Secretary of State shall not thereafter release him under subsection (1) of that section before the expiration of one year from the date of revocation or before the expiration of one-third of the period during which the licence would have remained in force, whichever is the later; but the foregoing provision shall not affect any power to release him otherwise than under that subsection.
- (11) This section shall have effect, in its application to a person sentenced to be detained under section 53 of the Children and Young Persons Act 1933 or section 57 of the Children and Young Persons (Scotland) Act 1937 (young offenders convicted of grave crimes), as if for any reference to a prison there were substituted a reference to any place in which the Secretary of State directs that person to be detained.

### **63 Supervision of young, short-term prisoners after release.**

- (1) A person serving a sentence of imprisonment for a term of less than eighteen months who was under the age of twenty-one when the sentence was passed shall be subject after his release from prison to supervision under Schedule 1 to the Criminal Justice Act 1961 (supervision of persons released from detention centres) as if he had been released from a detention centre after being detained there in pursuance of an order under section 4 of that Act (detention centre order), and the provisions of that Schedule shall apply accordingly to any such person—
- (a) with the substitution for any reference to an order under the said section 4 of a reference to a sentence of imprisonment; and
  - (b) with the substitution for any reference to a detention centre of a reference to a prison.
- (2) A notice under the said Schedule 1 given to a person to whom the foregoing subsection applies shall state that he was under the age of twenty-one when the relevant sentence was passed on him.

### **64 Supplemental.**

- (1) For the purposes of the foregoing provisions of this Part of this Act or any notice thereunder the age of any person at the time when sentence was passed on him shall be deemed to have been that which appears to the Secretary of State to have been his age at that time.
- (2) The following powers, that is to say—
- (a) the power conferred on the Secretary of State by section 60 of this Act to insert or include conditions in the licence of any person released under that section after being transferred to either part of Great Britain from another part of the United Kingdom, the Channel Islands or the Isle of Man ;
  - (b) the power conferred on the Secretary of State by section 62 of this Act to revoke the licence of any such person and recall him to prison ;
  - (c) the power conferred on a court by the said section 62 to revoke any such licence ;

shall be exercisable notwithstanding anything in section 26(6) of the Criminal Justice Act 1961 (exclusion of supervision of persons so transferred).

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### *Miscellaneous*

#### **65 Abolition of corporal punishment in prison.**

Corporal punishment shall not be inflicted in any prison or other institution to which the Prison Act 1952 applies, and accordingly section 18 of that Act shall cease to have effect.

#### **66 Miscellaneous amendments of the Prison Act 1952.**

- (1) Notwithstanding that a remand centre is provided under section 43 of the Prison Act 1952 for the detention of persons of or over the age of fourteen but under the age of twenty-one who are remanded or committed in custody for trial or sentence, any person required to be detained in an institution to which that Act applies may be detained in a remand centre for any temporary purpose or for the purpose of providing maintenance and domestic services for that centre.
- (2) Section 15 of the said Act of 1952 (provision of separate buildings for male and female prisoners confined in the same prison) shall cease to have effect.
- (3) For sections 30 to 32 of the said Act of 1952 (discharged prisoners aid societies and allowances and expenses for discharged prisoners) there shall be substituted the following section:—

##### **“30 Payments for discharged prisoners.**

The Secretary of State may make such payments to or in respect of persons released or about to be released from prison as he may with the consent of the Treasury determine”.

- (4) Any statutory instrument containing rules made under section 47 of the said Act of 1952 (prison rules) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and accordingly so much of section 52(2) of that Act as requires a draft of such an instrument to be laid before Parliament shall cease to have effect.
- (5) In section 47(4) of that Act (duty to include in prison rules provisions for the special treatment of certain classes of prisoners), paragraphs (b) and (c) (persons convicted of sedition, etc., and appellants) shall cease to have effect, and at the end of paragraph (d) (miscellaneous prisoners) there shall be added the words " or a person committed to custody on his conviction ".

#### **67 Computation of sentences of imprisonment passed in England and Wales.**

- (1) The length of any sentence of imprisonment imposed on an offender by a court shall be treated as reduced by any period during which he was in custody by reason only of having been committed to custody by an order of a court made in connection with any proceedings relating to that sentence or the offence for which it was passed or any proceedings from which those proceedings arose, but where the offender was previously subject to a probation order, an order for conditional discharge or a suspended sentence in respect of that offence, any such period falling before the order was made or suspended sentence passed shall be disregarded for the purposes of this section.

- (2) For the purposes of this section a suspended sentence shall be treated as a sentence of imprisonment when it takes effect under section 40 of this Act and as being imposed by the order under which it takes effect.
- (3) No period of custody, other than a period which would have been taken into account before the commencement of this Act under section 17(2) of the Criminal Justice Administration Act 1962 (duration of sentence) for the purpose of reducing a term of imprisonment, shall be taken into account for the like purpose under this section unless it falls after the commencement of this Act.
- (4) Any reference in this Act or any other enactment (whether passed before or after the commencement of this Act) to the length of any sentence of imprisonment shall, unless the context otherwise requires, be construed as a reference to the sentence pronounced by the court and not the sentence as reduced by this section.

**68 Consideration of time spent in custody in passing sentence in Scotland.**

A court in Scotland, in passing a sentence of imprisonment or detention in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952 on a person for any offence, shall, in determining the period of imprisonment or detention, have regard to any period of time spent in custody by that person on remand awaiting trial or sentence.

**69 Extension of enactments relating to persons sentenced to imprisonment or detention to young persons sentenced to detention.**

- (1) In section 38(3) of the Criminal Justice Act 1961 (construction of references to imprisonment or detention and sentence) at the end there shall be added the following paragraph—
  - “(c) any reference to a person serving a sentence of, or sentenced to, imprisonment or detention shall be construed as including a reference to a person who, under any enactment relating to children and young persons in force in any part of the United Kingdom or any of the Channel Islands or the Isle of Man, has been sentenced by a court to be detained for an offence and is liable to be detained in accordance with directions given by the Secretary of State, by the Minister of Home Affairs for Northern Ireland or by the Governor of the Isle of Man with the concurrence of the Secretary of State, and any other reference to a sentence of imprisonment or detention shall be construed accordingly.”
- (2) In section 49 of the Prison Act 1952, section 37 of the Prisons (Scotland) Act 1952 and section 38(2) of the Prison Act (Northern Ireland) 1953 (persons unlawfully at large) any reference to a person sentenced to imprisonment shall be construed as including a reference to any such person as is mentioned in the foregoing subsection.

**70 Prisoner transferred from Scotland to England for security.**

- (1) Where the Secretary of State, in the case of a person serving a sentence of imprisonment, corrective training or preventive detention in Scotland, is of the opinion that in the interests of security or of public safety that person ought to be transferred to a prison in England and Wales, he may make an order for his transfer to that prison :

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Provided that the Secretary of State may at any time make an order for the transfer of that person back to a prison in Scotland.

- (2) A person transferred to England and Wales or transferred back to Scotland under this section shall be treated for all purposes as if he had been transferred to England and Wales or, as the case may be, Scotland under section 26 of the Criminal Justice Act 1961.

## **71 Exercise of powers of release.**

Any power conferred by or under any enactment to release a person from a prison or other institution to which the Prison Act 1952 applies or from an approved school may be exercised notwithstanding that he is not for the time being detained in that institution or school and a person released by virtue of this section shall, after his release, be treated in all respects as if he had been released from that institution or school.

## **72 Power of magistrates to issue warrants for arrest of escaped prisoners and mental patients.**

- (1) On an information in writing being laid before a justice of the peace for any area in England and Wales or Northern Ireland and substantiated on oath, or on an application being made to a sheriff, magistrate or justice of the peace in Scotland, alleging that any person is—
- (a) an offender unlawfully at large from a prison or other institution to which the Prison Act applies in which he is required to be detained after being convicted of an offence; or
  - (b) a convicted mental patient liable to be retaken under section 40 or 140 of the Mental Health Act 1959, section 36 or 106 of the Mental Health (Scotland) Act 1960 or section 30 or 108 of the Mental Health Act (Northern Ireland) 1961 (retaking of mental patients who are absent without leave or have escaped from custody);

the justice, sheriff or magistrate may issue a warrant to arrest him and bring him before a magistrates' court for that area or, in Scotland, before any sheriff.

- (2) Where a person is brought before a magistrates' court or sheriff in pursuance of a warrant for his arrest under this section, the court or sheriff shall, if satisfied that he is the person named in the warrant and if satisfied as to the facts mentioned in paragraph (a) or (b) of the foregoing subsection, order him to be returned to the prison or other institution where he is required or liable to be detained or, in the case of a convicted mental patient, order him to be kept in custody or detained in a place of safety pending his admission to hospital.
- (3) Section 139 of the Mental Health Act 1959, section 105 of the Mental Health (Scotland) Act 1960 and section 107 of the Mental Health Act (Northern Ireland) 1961 (custody, conveyance and detention of certain mental patients) shall apply to a convicted mental patient required by this section to be conveyed to any place or to be kept in custody or detained in a place of safety as they apply to a person required by or by virtue of the said Act of 1959, 1960 or 1961, as the case may be, to be so conveyed, kept or detained.
- (4) In this section—



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" convicted mental patient " means a person liable after being convicted of an offence to be detained under Part V of the Mental Health Act 1959, Part V of the Mental Health (Scotland) Act 1960 or Part III of the Mental Health Act (Northern Ireland) 1961 in pursuance of a hospital order or transfer direction together with an order or direction restricting his discharge;

" place of safety " has the same meaning as in Part V of the said Act of 1959 or 1960 or Part III of the said Act of 1961, as the case may be;

" Prison Act " means the Prison Act 1952, the Prisons (Scotland) Act 1952 or the Prison Act (Northern Ireland) 1953, as the case may be.

- (5) Section 27 of the Criminal Justice Administration Act 1914 (power to issue warrants for the arrest of persons who may be arrested without a warrant) shall cease to have effect.