



Criminal Justice Act 1991

1991 CHAPTER 53

PART II

EARLY RELEASE OF PRISONERS

Misbehaviour after release

VALID FROM 28/01/1999

[^{F1F1}38A Breach of curfew condition.

- (1) If it appears to the Secretary of State, as regards a person released on licence under section 34A(3) above—
 - (a) that he has failed to comply with the curfew condition;
 - (b) that his whereabouts can no longer be electronically monitored at the place for the time being specified in that condition; or
 - (c) that it is necessary to do so in order to protect the public from serious harm from him,the Secretary of State may, if the curfew condition is still in force, revoke the licence and recall the person to prison.
- (2) A person whose licence under section 34A(3) above is revoked under this section—
 - (a) may make representations in writing with respect to the revocation;
 - (b) on his return to prison, shall be informed of the reasons for the revocation and of his right to make representations.
- (3) The Secretary of State, after considering any representations made under subsection (2)(b) above or any other matters, may cancel a revocation under this section.

Status: Point in time view as at 01/01/1999. This version of this provision is not valid for this point in time.

Changes to legislation: *Criminal Justice Act 1991, Section 38A is up to date with all changes known to be in force on or before 01 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)*

- (4) Where the revocation of a person's licence is cancelled under subsection (3) above, the person shall be treated for the purposes of sections 34A(2)(f) and 37(1B) above as if he had not been recalled to prison under this section.
- (5) On the revocation under this section of a person's licence under section 34A(3) above, he shall be liable to be detained in pursuance of his sentence and, if at large, shall be deemed to be unlawfully at large.
- (6) In this section "the curfew condition" has the same meaning as in section 37A above.]

Textual Amendments

F1 S. 38A inserted (28.1.1999) by 1998 c. 37, s. 100(2); S.I. 1998/3263, art.3.

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