



Criminal Justice Act 1991

1991 CHAPTER 53

PART II

EARLY RELEASE OF PRISONERS

Misbehaviour after release

VALID FROM 30/09/1998

[^{F1F1}40A Release on licence following return to prison.

- (1) This section applies (in place of sections 33, 33A, 37(1) and 39 above) where a court passes on a person a sentence of imprisonment which—
 - (a) includes, or consists of, an order under section 40 above; and
 - (b) is for a term of twelve months or less.
- (2) As soon as the person has served one-half of the sentence, it shall be the duty of the Secretary of State to release him on licence.
- (3) Where the person is so released, the licence shall remain in force for a period of three months.
- (4) If the person fails to comply with such conditions as may for the time being be specified in the licence, he shall be liable on summary conviction—
 - (a) to a fine not exceeding level 3 on the standard scale; or
 - (b) to a sentence of imprisonment for a term not exceeding the relevant period, but not liable to be dealt with in any other way.
- (5) In subsection (4) above “the relevant period” means a period which is equal in length to the period between the date on which the failure occurred or began and the date of the expiry of the licence.

Status: Point in time view as at 03/02/1995. This version of this provision is not valid for this point in time.

Changes to legislation: Criminal Justice Act 1991, Section 40A is up to date with all changes known to be in force on or before 27 May 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)

(6) As soon as a person has served one-half of a sentence passed under subsection (4) above, it shall be the duty of the Secretary of State to release him, subject to the licence if it is still subsisting.]

Textual Amendments

F1 S. 40A inserted (30.9.1998) by 1998 c. 37, s.105 (with Sch. 9 para. 14(1)); S.I. 1998/2327, art.2(1)(w).

Modifications etc. (not altering text)

C1 S. 40A modified (30.9.1998) by 1998 c. 37, s. 120(1), Sch. 9 para. 12(6)(9); S.I. 1998/2327, art.2(1)(z)

Status:

Point in time view as at 03/02/1995. This version of this provision is not valid for this point in time.

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