



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART II

#### EARLY RELEASE OF PRISONERS

##### *Special cases*

#### **48 Life prisoners transferred to England and Wales**

- (1) This section applies where, in the case of a transferred life prisoner, the Secretary of State, after consultation with the Lord Chief Justice, certifies his opinion that, if—
  - (a) he had been sentenced for his offence in England and Wales after the commencement of section 34 above; and
  - (b) the reference in subsection (1)(a) of that section to a violent or sexual offence the sentence for which is not fixed by law were a reference to any offence the sentence for which is not so fixed,the court by which he was so sentenced would have ordered that that section should apply to him as soon as he had served a part of his sentence specified in the certificate.
- (2) In a case to which this section applies, this Part except section 35(2) above shall apply as if—
  - (a) the transferred life prisoner were a discretionary life prisoner for the purposes of this Part; and
  - (b) the relevant part of his sentence within the meaning of section 34 of this Act were the part specified in the certificate.
- (3) In this section “transferred life prisoner” means a person—
  - (a) on whom a court in a country or territory outside England and Wales has imposed one or more sentences of imprisonment or detention for an indeterminate period; and
  - (b) who has been transferred to England and Wales, in pursuance of—

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*Status: This is the original version (as it was originally enacted).*

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- (i) an order made by the Secretary of State under section 26 of the Criminal Justice Act 1961 or section 2 of the Colonial Prisoners Removal Act 1884; or
  - (ii) a warrant issued by the Secretary of State under the Repatriation of Prisoners Act 1984,
- there to serve his sentence or sentences or the remainder of his sentence or sentences.
- (4) A person who is required so to serve the whole or part of two or more such sentences shall not be treated as a discretionary life prisoner for the purposes of this Part unless the requirements of subsection (1) above are satisfied as respects each of those sentences; and subsections (3) and (5) of section 34 above shall not apply in relation to such a person until after he has served the relevant part of each of those sentences.