



# Crime (Sentences) Act 1997

## 1997 CHAPTER 43

### PART II

#### EFFECT OF CUSTODIAL SENTENCES

##### Modifications etc. (not altering text)

- C1** Pt. II applied in part (with modifications) (1.10.1997) by S.I. 1997/1776, art. 2, **Sch. 1 paras. 2-4**; S.I. 1997/2200, **art. 2(1)**

### CHAPTER I

#### DETERMINATE SENTENCES

##### *General*

**F18** .....

##### Textual Amendments

- F1** S. 8 repealed (30.9.1998) by 1998 c. 37, s. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 22(1)(w)(3)(x)**.

**F29** .....

##### Textual Amendments

- F2** S. 9 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

*Status: Point in time view as at 24/04/2009.*

*Changes to legislation: Crime (Sentences) Act 1997, Part II is up to date with all changes known to be in force on or before 11 July 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)*

**F3** **9A** .....

**Textual Amendments**  
**F3** S. 9A repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

*Early release*

**F4** **10** .....

**Textual Amendments**  
**F4** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w) (3)(x)**.

**F5** **11** .....

**Textual Amendments**  
**F5** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w) (3)(x)**.

**F6** **12** .....

**Textual Amendments**  
**F6** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w) (3)(x)**.

**F7** **13** .....

**Textual Amendments**  
**F7** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w) (3)(x)**.

*Additional days*

**F8** **14** .....

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**Textual Amendments**

**F8** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

**F9** **15** .....

**Textual Amendments**

**F9** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

*Supervision after release*

**F10** **16** .....

**Textual Amendments**

**F10** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

**F11** **17** .....

**Textual Amendments**

**F11** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

**F12** **18** .....

**Textual Amendments**

**F12** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

*Special cases*

**F13** **19** .....

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**Textual Amendments**

**F13** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

**F14** **20** .....

**Textual Amendments**

**F14** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

**F15** **21** .....

**Textual Amendments**

**F15** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

**F16** **22** .....

**Textual Amendments**

**F16** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

**F17** **23** .....

**Textual Amendments**

**F17** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

**F18** **24** .....

**Textual Amendments**

**F18** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

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F19 **25** .....

**Textual Amendments**

**F19** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

*Supplemental*

F20 **26** .....

**Textual Amendments**

**F20** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

F21 **27** .....

**Textual Amendments**

**F21** Ss. 10-27 repealed (30.9.1998) by 1998 c. 37, ss. 107(2), 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(3)(x)**.

**CHAPTER II**

LIFE SENTENCES

**Modifications etc. (not altering text)**

**C2** Pt. II Ch. II excluded (1.9.2001) by 2001 c. 17, s. 42, **Sch. 7 para. 3(1)** (with s. 78); S.I. 2001/2161, **art. 2**

*Release on licence*

**28 Duty to release certain life prisoners.**

[<sup>F22</sup>[<sup>F23</sup>(1A) This section applies to a life prisoner in respect of whom a minimum term order has been made; and any reference in this section to the relevant part of such a prisoner’s sentence is a reference to the part of the sentence specified in the order.]

(1B) But if a life prisoner is serving two or more life sentences—

(a) [<sup>F24</sup>this section does not apply to him] unless [<sup>F25</sup>a minimum term order has been made in respect of each of those sentences]; and

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- (b) the provisions of subsections (5) to (8) below do not apply in relation to him until he has served the relevant part of each of them.
- (5) As soon as—
  - (a) a life prisoner to whom this section applies has served the relevant part of his sentence; and]
  - (b) the Parole Board has directed his release under this section,
 it shall be the duty of the Secretary of State to release him on licence.
- (6) The Parole Board shall not give a direction under subsection (5) above with respect to a life prisoner to whom this section applies unless—
  - (a) the Secretary of State has referred the prisoner’s case to the Board; and
  - (b) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (7) A life prisoner to whom this section applies may require the Secretary of State to refer his case to the Parole Board at any time—
  - (a) after he has served the relevant part of his sentence; and
  - (b) where there has been a previous reference of his case to the Board, after the end of the period of two years beginning with the disposal of that reference; and
  - (c) where he is also serving a sentence of imprisonment or detention for a term, after [<sup>F26</sup>he has served one-half of that sentence];
 and in this subsection “previous reference” means a reference under subsection (6) above or section 32(4) below.
- (8) In determining for the purpose of subsection (5) or (7) above whether a life prisoner to whom this section applies has served the relevant part of his sentence, no account shall be taken of any time during which he was unlawfully at large within the meaning of section 49 of the <sup>M1</sup>Prison Act 1952.
- [<sup>F27</sup>(8A) In this section “minimum term order” means an order under—
  - (a) subsection (2) of section 82A of the Powers of Criminal Courts (Sentencing) Act 2000 (determination of minimum term in respect of life sentence that is not fixed by law), or
  - (b) subsection (2) of section 269 of the Criminal Justice Act 2003 (determination of minimum term in respect of mandatory life sentence).]

<sup>F28</sup>(9) .....

<b>Textual Amendments</b>	
<b>F22</b>	S. 28(1A)(1B)-(5)(a) substituted for s. 28(1)-(5)(a) (30.11.2000 with effect as mentioned in Sch. 7 para. 145 of the substituting Act) by 2000 c. 43, s. 74, <b>Sch. 7 Pt. II para. 136(a)</b>
<b>F23</b>	S. 28(1A) substituted (18.12.2003) by <b>Criminal Justice Act 2003 (c. 44), s. 275(1)(2), 336(2)</b>
<b>F24</b>	Words in s. 28(1B)(a) substituted (18.12.2003) by <b>Criminal Justice Act 2003 (c. 44), ss. 275(3)(a), 336(2)</b>
<b>F25</b>	Words in s. 28(1B)(a) substituted (18.12.2003) by <b>Criminal Justice Act 2003 (c. 44), ss. 275(3)(b), 336(2)</b>
<b>F26</b>	Words in s. 28(7)(c) substituted (30.9.1998) by 1998 c. 37, s. 119, <b>Sch. 8 para. 130(2)</b> ; S.I. 1998/2327, <b>art. 2(2)(II)</b>
<b>F27</b>	S. 28(8A) inserted (18.12.2003) by <b>Criminal Justice Act 2003 (c. 44), s. 275(1)(4), 336(2)</b>

*Status: Point in time view as at 24/04/2009.*

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**F28** S. 28(9) repealed (30.11.2000 with effect as mentioned in Sch. 7 para. 145 and notes to Sch. 8 of the repealing Act) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 136(b), **Sch. 8**

**Modifications etc. (not altering text)**

**C3** S. 28: exercise of functions restricted in or as regards Scotland (30.6.1999) by S.I. 1999/1748, art. 8(2), **Sch. 4 Pt. I para. 1(1)**

**C4** S. 28 modified (18.12.2003) by Criminal Justice Act 2003 (c. 44), s. 336(2), **Sch. 22 para. 16**

**C5** S. 28(1B) modified (30.11.2000) by 2000 c. 43, ss. 74, 80(3)(d), **Sch. 7 Pt. II para. 146-148**

**Marginal Citations**

**M1** 1952 c.52.

**F29** **29 Power to release other life prisoners.**

.....

**Textual Amendments**

**F29** S. 29 repealed (18.12.2003) by Criminal Justice Act 2003 (c. 44), ss. 303(b)(i), 336(2), **Sch. 37 Pt. 8**

**30 Power to release life prisoners on compassionate grounds.**

- (1) The Secretary of State may at any time release a life prisoner on licence if he is satisfied that exceptional circumstances exist which justify the prisoner's release on compassionate grounds.
- (2) Before releasing a life prisoner under subsection (1) above, the Secretary of State shall consult the Parole Board, unless the circumstances are such as to render such consultation impracticable.

**Modifications etc. (not altering text)**

**C6** S. 30: exercise of functions restricted in or as regards Scotland (30.6.1999) by S.I. 1999/1748, art. 8(2), **Sch. 4 Pt. I para. 1(1)**

*Licences and recall*

**31 Duration and conditions of licences.**

- (1) Where a life prisoner [<sup>F30</sup>, other than a prisoner to whom section 31A below applies,] is released on licence, the licence shall, unless previously revoked under section 32 <sup>F31</sup>... below, remain in force until his death.

[<sup>F32</sup>(1A) Where a prisoner to whom section 31A below applies is released on licence, the licence shall remain in force until his death unless—

- (a) it is previously revoked under section 32(1) or (2) below; or
- (b) it ceases to have effect in accordance with an order made by the Secretary of State under section 31A below.]

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- (2) A life prisoner subject to a licence shall comply with such conditions<sup>F33</sup>... as may for the time being be specified in the licence; and the Secretary of State may make rules for regulating the supervision of any description of such persons.
- [<sup>F34</sup>(2A) The conditions so specified shall include on the prisoner's release conditions as to his supervision by—
- (a) [<sup>F35</sup>an officer of a local probation board] appointed for or assigned to the [<sup>F36</sup>local justice area] within which the prisoner resides for the time being [<sup>F37</sup>or (as the case may be) an officer of a provider of probation services acting in the local justice area within which the prisoner resides for the time being];
  - (b) where the prisoner is under the age of 22, a social worker of the<sup>F38</sup>... local authority within whose area the prisoner resides for the time being; or
  - (c) where the prisoner is under the age of 18, a member of a youth offending team established by that local authority under section 39 of the Crime and Disorder Act 1998.]
- (3) The Secretary of State shall not include on release, or subsequently insert,<sup>F39</sup> a condition in the licence of a life prisoner, or vary or cancel any such condition, [<sup>F39</sup>except in accordance with recommendations of the Parole Board].
- <sup>F40</sup>(4) .....
- (5) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In relation to a life prisoner who is liable to removal from the United Kingdom (within the meaning given by [<sup>F41</sup>section 259 of the Criminal Justice Act 2003]), subsection (2) above shall have effect as if [<sup>F42</sup>subsection (2A) above] were omitted.

#### Textual Amendments

- F30** Words in s. 31(1) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 18 para. 1\(2\)](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 40](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(l\)](#))
- F31** Words in s. 31(1) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 28 Pt. 2](#); [S.I. 2008/1586, art. 2\(1\), Sch. 1 para. 50\(2\)\(b\)](#)
- F32** S. 31(1A) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 18 para. 1\(3\)](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 40](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(l\)](#))
- F33** Words in s. 31(2) repealed (30.9.1998 in the areas specified in [S.I. 1998/2327, Sch. 1](#) and otherwise 1.4.2000) by [1998 c. 37, ss. 119, 120\(2\), Sch. 8 para. 131\(1\), Sch. 10](#); [S.I. 1998/2327, art. 3\(1\)\(b\)\(c\), Sch. 1](#); [S.I. 2000/924, art. 3](#)
- F34** S. 31(2A) inserted (30.9.1998 in the areas specified in [S.I. 1998/2327, Sch. 1](#) and otherwise 1.4.2000) by [1998 c. 37, s. 119, Sch. 8 para. 131\(2\)](#); [S.I. 1998/2327, art. 3\(1\)\(b\), Sch. 1](#); [S.I. 2000/924, art. 3](#)
- F35** Words in s. 31(2A)(a) substituted (1.4.2001) by [2000 c. 43, s. 74, Sch. 7 Pt. 1 para. 4\(1\)\(a\)\(2\)](#); [S.I. 2001/919, art. 2\(f\)\(i\)](#)
- F36** Words in s. 31(2A)(a) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 53](#)



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- F37** Words in s. 31(2A)(a) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), [Sch. 1 para. 12\(2\)](#)
- F38** Words in s. 31(2A)(b) repealed (1.4.2005 for E., 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 4](#); [S.I. 2005/394](#), [art. 2\(2\)\(g\)](#); [S.I. 2006/885](#), [art. 2\(2\)](#)
- F39** Words in s. 31(3) substituted (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), [Sch. 32 para. 83\(2\)](#)
- F40** S. 31(4) repealed (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), [Sch. 32 para. 83\(3\)](#), [Sch. 37 Pt. 8](#)
- F41** Words in s. 31(6) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 83\(4\)](#); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 42\(32\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), [art. 2](#); and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), [art. 2](#); (3.12.2012) by [S.I. 2012/2905](#), [art. 4](#); (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), [art. 2\(l\)](#))
- F42** Words in s. 31(6) substituted (30.9.1998) by [1998 c. 37](#), s. 119, [Sch. 8 para. 131\(3\)](#); [S.I. 1998/2327](#), [art. 2\(2\)\(mm\)](#).

**Modifications etc. (not altering text)**

- C7** S. 31: exercise of functions restricted in or as regards Scotland (30.6.1999) by [S.I. 1999/1748](#), [art. 8\(2\)](#), [Sch. 4 Pt. 1 para. 1](#)
- C8** S. 31(6) modified (1.1.1998) by [S.I. 1997/2200](#), [art. 5\(3\)\(a\)](#)  
S. 31(6) modified (19.9.1998) by [S.I. 1998/2327](#), [art. 5\(1\)\(b\)](#).

**[<sup>F43</sup>31A Imprisonment or detention for public protection: termination of licences**

- (1) This section applies to a prisoner who—
- is serving one or more preventive sentences, and
  - is not serving any other life sentence.
- (2) Where—
- the prisoner has been released on licence under this Chapter; and
  - the qualifying period has expired,
- the Secretary of State shall, if directed to do so by the Parole Board, order that the licence is to cease to have effect.
- (3) Where—
- the prisoner has been released on licence under this Chapter;
  - the qualifying period has expired; and
  - if he has made a previous application under this subsection, a period of at least twelve months has expired since the disposal of that application,
- the prisoner may make an application to the Parole Board under this subsection.
- (4) Where an application is made under subsection (3) above, the Parole Board—
- shall, if it is satisfied that it is no longer necessary for the protection of the public that the licence should remain in force, direct the Secretary of State to make an order that the licence is to cease to have effect;
  - shall otherwise dismiss the application.
- (5) In this section—
- “preventive sentence” means a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or a sentence of detention for public protection under section 226 of that Act [<sup>F44</sup>(including

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such a sentence of imprisonment or detention passed as a result of section 219 or 221 of the Armed Forces Act 2006] ;

“the qualifying period”, in relation to a prisoner who has been released on licence, means the period of ten years beginning with the date of his release.]

#### Textual Amendments

- F43** S. 31A inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 18 para. 2**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 40** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))
- F44** Words in s. 31A(5) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 141**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

## 32 Recall of life prisoners while on licence.

[<sup>F45</sup>(1) The Secretary of State may, in the case of any life prisoner who has been released on licence under this Chapter, revoke his licence and recall him to prison.]

- (3) A life prisoner recalled to prison under [<sup>F46</sup>this section]—
- (a) may make representations in writing with respect to his recall; and
  - (b) on his return to prison, shall be informed of the reasons for his recall and of his right to make representations.

(4) The Secretary of State shall refer to the Parole Board [<sup>F47</sup>the case of a life prisoner recalled under this section].

[<sup>F48</sup>(5) Where on a reference under subsection (4) above the Parole Board directs the immediate release on licence under this section of the life prisoner, the Secretary of State shall give effect to the direction.]

(6) On the revocation of the licence of any life prisoner 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.

#### Textual Amendments

- F45** S. 32(1) substituted for s. 32(1)(2) (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 31(2)**, 153(7); [S.I. 2008/1586](#), art. 2(1), **Sch. 1 para. 17**
- F46** Words in s. 32(3) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 31(3)**, 153(7); [S.I. 2008/1586](#), art. 2(1), **Sch. 1 para. 17**
- F47** Words in s. 32(4) substituted for s. 32(4)(a)(b) (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 31(4)**, 153(7); [S.I. 2008/1586](#), art. 2(1), **Sch. 1 para. 17**
- F48** S. 32(5) substituted (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), **Sch. 32 para. 84**

#### Modifications etc. (not altering text)

- C9** S. 32: exercise of functions restricted in or as regards Scotland (30.6.1999) by [S.I. 1999/1748](#), art. 8(2), **Sch. 4 Pt. 1 para. 1**

*Status: Point in time view as at 24/04/2009.*

*Changes to legislation: Crime (Sentences) Act 1997, Part II is up to date with all changes known to be in force on or before 11 July 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)*

### Miscellaneous and supplemental

#### <sup>F49</sup>33 Life prisoners transferred to England and Wales.

.....

##### Textual Amendments

**F49** S. 33 repealed (18.12.2003) by Criminal Justice Act 2003 (c. 44), ss. 303(b)(ii), 336(2), Sch. 37 Pt. 8

#### 34 Interpretation of Chapter II.

- (1) In this Chapter “life prisoner” means a person serving one or more life sentences [<sup>F50</sup>and includes a transferred life prisoner as defined by section 273 of the Criminal Justice Act 2003] ; <sup>F51</sup> . . .
- (2) In this section “life sentence” means any of the following imposed for an offence, whether committed before or after the commencement of this Chapter, namely—
  - (a) a sentence of imprisonment for life;
  - (b) a sentence of detention during Her Majesty’s pleasure or for life under [<sup>F52</sup>section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000]; and
  - (c) a sentence of custody for life under [<sup>F52</sup>section 93 or 94 of that Act].
  - <sup>F53</sup>(d) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003 [<sup>F54</sup>(including one passed as a result of section 219 of the Armed Forces Act 2006 ] , [<sup>F55</sup>and]
  - (e) a sentence of detention for public protection under section 226 of that Act [<sup>F56</sup>(including one passed as a result of section 221 of the Armed Forces Act 2006)] .]
  - <sup>F57</sup>(f) a sentence of detention for life under section 209 of the Armed Forces Act 2006;
  - (g) a sentence under section 218 of that Act (detention at Her Majesty's pleasure).]
- (3) <sup>F58</sup><sup>F59</sup>... in subsection (2) above—
  - (a) the reference to [<sup>F52</sup>section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000] includes a reference to subsections (3) and (4) of section 71A of the <sup>M2</sup>Army Act 1955 and the <sup>M3</sup>Air Force Act 1955 and section 43A of the <sup>M4</sup>Naval Discipline Act 1957; and
  - (b) the reference to [<sup>F52</sup> section 93 or 94 of that Act of 2000] includes a reference to subsections (1A) and (1B) of [<sup>F52</sup>section 71A of the Army Act 1955 and the Air Force Act 1955 and section 43A of the Naval Discipline Act 1957.]]
- <sup>F60</sup>(4) Where a person has been sentenced to one or more life sentences and to one or more terms of imprisonment, nothing in this Chapter shall require the Secretary of State to release the person in respect of any of the life sentences unless and until the Secretary of State is required to release him in respect of each of the terms.]

##### Textual Amendments

**F50** Words in s. 34(1) inserted (18.12.2003) by Criminal Justice Act 2003 (c. 44), ss. 273(4), 336(2)

*Status: Point in time view as at 24/04/2009.*

*Changes to legislation: Crime (Sentences) Act 1997, Part II is up to date with all changes known to be in force on or before 11 July 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)*

- F51** Word in s. 34(1) repealed (30.11.2000 with effect as mentioned in Sch. 7 para. 145 and notes to Sch. 8 of the repealing Act) by 2000 c. 43, ss. 74, 75, 80(3)(d), Sch. 7 Pt. II para. 138, **Sch. 8**
- F52** Words in s. 34(2)(3) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 183(2)(3)**
- F53** S. 34(2)(d)(e) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 18 para. 3**; S.I. 2005/950, art. 2(1), Sch. 1 para. 40 (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))
- F54** Words in s. 34(2)(d) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 142(2)(a)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F55** Word in s. 34(2)(d) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F56** Words in s. 34(2)(e) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 142(2)(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F57** S. 34(2)(f)(g) added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 142(2)(c)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F58** Words in s. 34(3) repealed (18.12.2003) by Criminal Justice Act 2003 (c. 44), s. 336(2), **Sch. 37 Pt. 8**
- F59** S. 34(3) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 16 para. 142(3), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F60** S. 34(4) inserted (30.9.1998) by 1998 c. 37, ss. 101(2), 120(1), **Sch. 9 para. 11**; S.I. 1998/2327, art. 2(1)(v).

#### Modifications etc. (not altering text)

- C10** S. 34: exercise of functions restricted in or as regards Scotland (30.6.1999) by S.I. 1999/1748, art. 8(2), **Sch. 4 Pt. I para. 1**
- C11** S. 34(1) extended (18.12.2003) by Criminal Justice Act 2003 (c. 44), s. 336(2), **Sch. 22 para. 17**
- C12** S. 34(2) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), art. 1(3), **Sch. 1 para. 40**

#### Marginal Citations

- M2** 1955 c.18.  
**M3** 1955 c.19.  
**M4** 1957 c.53.

**Status:**

Point in time view as at 24/04/2009.

**Changes to legislation:**

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