



Crime (Sentences) Act 1997

1997 CHAPTER 43

PART II

EFFECT OF CUSTODIAL SENTENCES

CHAPTER I

DETERMINATE SENTENCES

Early release

10 Early release on compassionate grounds

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

11 Award of early release days for good behaviour

- (1) This section applies where a prisoner is serving a sentence of imprisonment for a term of more than two months and less than three years.
- (2) For each initial assessment period, the prescribed person may award the prisoner such number of early release days, not exceeding twelve, as he may determine having regard to the extent to which the prisoner's behaviour during the period has attained the prescribed minimum standard.

Status: This is the original version (as it was originally enacted).

- (3) For each subsequent assessment period, the prescribed person may award the prisoner—
- (a) such number of early release days, not exceeding six, as he may determine having regard to the extent to which the prisoner’s behaviour during the period has attained the prescribed minimum standard; and
 - (b) such number of such days, not exceeding six, as he may determine having regard to the extent to which the prisoner’s behaviour during the period has exceeded that standard.
- (4) Where at any time this section applies in place of section 12, 28 or 29 below because a sentence is set aside or varied on appeal, then, for each assessment period for the purposes of this section beginning before that time, the prescribed person shall assume, for the purposes of subsection (2) or (3) above, that the prisoner’s behaviour was such as to entitle him to the maximum number of early release days available under that subsection.
- (5) Where any early release days are awarded to a prisoner, any period which he must serve before becoming entitled to be released shall be reduced by the aggregate of those days; but nothing in this subsection shall entitle a prisoner to be released on the basis of an award before the day after that on which the award is made.
- (6) Prison rules may—
- (a) require determinations under this section to be made at prescribed times, and to be notified to the prisoners concerned in the prescribed manner; and
 - (b) make provision for enabling prisoners to appeal against such determinations to prescribed persons.
- (7) The Secretary of State may by order provide that subsections (2) and (3) above shall have effect subject to such amendments as may be specified in the order; but no amendment so specified shall reduce—
- (a) the number of days specified in subsection (2) or (3)(a); or
 - (b) the total number of days specified in subsection (3).
- (8) The power to make an order 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.
- (9) In this section, in relation to a prisoner—
- “assessment period” means—
- (a) the period of two months beginning with the day on which he was sentenced; and
 - (b) each successive period of two months ending before his release;
- “initial assessment period” means an assessment period beginning less than twelve months after the day on which he was sentenced and “subsequent assessment period” shall be construed accordingly.

12 Early release on Parole Board recommendation

- (1) This section applies where a prisoner is serving a sentence of imprisonment for a term of three years or more.
- (2) As soon as the prisoner has served five-sixths of his sentence, the Secretary of State shall, if recommended to do so by the Parole Board, release him.

13 Provisional early release days for remand prisoners

- (1) This section applies where an accused is remanded in custody in connection with one or more offences—
 - (a) which are alleged to have been committed after the commencement of this Chapter; and
 - (b) in respect of which he would be liable, if convicted, to a life sentence or to imprisonment for a term of more than two months.
- (2) For the purpose of enabling early release days to be awarded on a provisional basis, subsections (2) and (3) of section 11 above shall have effect as if—
 - (a) the accused had been convicted of, or of an offence related to, the offence or any of the offences, and had been sentenced to imprisonment for a term of more than two months and less than three years, on the day on which he was remanded in custody;
 - (b) any days falling after that day for which he is not remanded in custody were disregarded; and
 - (c) references in that section to periods of two months were references to periods of 60 days.
- (3) Subsections (4) to (6) below shall apply if, and only if, each of the following conditions is fulfilled, namely—
 - (a) the accused is convicted of, or of an offence related to, the offence or any of the offences;
 - (b) he is sentenced to imprisonment for a term of more than two months and less than three years; and
 - (c) a direction is given under section 9 above.
- (4) For the purposes of section 11(5) above, any early release days provisionally awarded under subsection (2) above shall be treated as early release days awarded on the day on which the direction under section 9 above is given.
- (5) For the purpose of securing that any days for which the accused was remanded in custody are taken into account in determining assessment periods for the purposes of section 11 above, that section shall have effect as if—
 - (a) the accused had been convicted and sentenced on the day on which he was remanded in custody;
 - (b) any days which fell before the day on which he was sentenced, and for which he was not remanded in custody, were disregarded; and
 - (c) references to periods of two months, in their application to periods beginning before that day, were references to periods of 60 days.
- (6) If the direction under section 9 above is given in relation to a number of days less than that for which the accused was remanded in custody—
 - (a) subsection (4) above shall have effect as if the reference to any early release days provisionally awarded under subsection (2) above were a reference to the appropriate proportion of those days (rounded up to the nearest whole day); and
 - (b) subsection (5) above shall have effect as if the reference to days for which he was not remanded in custody included a reference to the complementary proportion of the days for which he was so remanded (rounded down to the nearest whole day).

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

- (7) Where for any period the accused has been held in police detention, the prescribed person shall assume, for the purposes of section 11(2) and (3) above as modified by subsection (2) above, that during that period—
- (a) the prisoner had been in prison; and
 - (b) his behaviour had attained, but not exceeded, the prescribed minimum standard for the purposes of that section.
- (8) In this section—
- “the appropriate proportion” means the proportion which the number of days in relation to which the direction under section 9 above is given bears to the number of days for which the accused was remanded in custody, and “the complementary proportion” shall be construed accordingly;
 - “life sentence” has the same meaning as in section 34 below;
 - “related”, in relation to an offence, has the same meaning as in section 9 above;
- and subsections (2), (9) and (10) of section 9 above shall apply for the purposes of this section as they apply for the purposes of that section.