

SCHEDULES

SCHEDULE 5

TRANSITIONAL PROVISIONS AND SAVINGS

Concurrent sentences for offences committed before and after that commencement

- 3 (1) This paragraph applies where terms of imprisonment which are wholly or partly concurrent include—
- (a) the term of a sentence imposed on an offender for an offence committed after the commencement of Chapter I of Part II of this Act; and
 - (b) the term of a sentence imposed on him for an offence committed before that commencement.
- (2) Subject to sub-paragraph (3) below, the time to be served by the offender in respect of the final sentence shall be determined under whichever of Chapter I of Part II of this Act and Part II of the 1991 Act is applicable to that sentence.
- (3) Where the offender was remanded in custody in connection with—
- (a) an offence falling within sub-paragraph (1)(a) above; and
 - (b) an offence falling within sub-paragraph (1)(b) above,
- any additional days which have been both conditionally and provisionally awarded to him shall be taken into account only for the purposes of whichever of Chapter I of Part II of this Act and Part II of the 1991 Act is applicable to the final sentence.
- (4) The offender shall be released when he has served the time required to be served in respect of the final sentence.
- (5) Subject to sub-paragraph (6) below, whichever of Chapter I of Part II of this Act and Part II of the 1991 Act is applicable to the final sentence shall apply in relation to the offender after his release.
- (6) Notwithstanding anything in Part II of the 1991 Act, the offender's supervision shall be for the period which would be applicable if each of his terms of imprisonment had been imposed in respect of offences committed after the commencement of Chapter I of Part II of this Act.
- (7) Where at any time a sentence falling within sub-paragraph (1)(a) above ("sentence A") becomes the final sentence in place of a sentence falling within sub-paragraph (1)(b) above ("sentence B") either—
- (a) because the term of sentence A is increased on appeal; or
 - (b) because sentence B is set aside, or its term is reduced, on appeal,
- then, for each assessment period for the purposes of section 11 of this Act beginning before that time, the prescribed person or, as the case may be, the Secretary of State shall assume, for the purposes of subsection (2) or (3) of that section, that the prisoner's behaviour was such as to entitle him to the maximum number of early release days available under that subsection.

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

- (8) In this paragraph “the final sentence”, in relation to any time, means the sentence which at that time will have the later or latest release date on the following assumptions, namely—
- (a) that the time to be served in respect of a sentence falling within sub-paragraph (1)(a) above is equal to the term imposed by the court less the number of days (if any) directed by the court to count as time served as part of the sentence; and
 - (b) that the time to be served in respect of a sentence falling within sub-paragraph (1)(b) above is equal to the appropriate proportion of the term imposed by the court less any period by which the sentence falls to be reduced under section 67 of the Criminal Justice Act 1967.
- (9) In sub-paragraph (8) above “the appropriate proportion” means one-half in the case of a term of less than four years and two thirds in the case of a term of four years or more.