



Crime and Disorder Act 1998

1998 CHAPTER 37

PART IV

DEALING WITH OFFENDERS

CHAPTER I

ENGLAND AND WALES

Sexual or violent offenders

58 Sentences extended for licence purposes.

- (1) This section applies where a court which proposes to impose a custodial sentence for a sexual or violent offence considers that the period (if any) for which the offender would, apart from this section, be subject to a licence would not be adequate for the purpose of preventing the commission by him of further offences and securing his rehabilitation.
- (2) Subject to subsections (3) to (5) below, the court may pass on the offender an extended sentence, that is to say, a custodial sentence the term of which is equal to the aggregate of—
 - (a) the term of the custodial sentence that the court would have imposed if it had passed a custodial sentence otherwise than under this section (“the custodial term”); and
 - (b) a further period (“the extension period”) for which the offender is to be subject to a licence and which is of such length as the court considers necessary for the purpose mentioned in subsection (1) above.
- (3) Where the offence is a violent offence, the court shall not pass an extended sentence the custodial term of which is less than four years.
- (4) The extension period shall not exceed—

Status: Point in time view as at 30/09/1998.

Changes to legislation: Crime and Disorder Act 1998, Cross Heading: Sexual or violent offenders is up to date with all changes known to be in force on or before 26 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)

- (a) ten years in the case of a sexual offence; and
 - (b) five years in the case of a violent offence.
- (5) The term of an extended sentence passed in respect of an offence shall not exceed the maximum term permitted for that offence.
- (6) Subsection (2) of section 2 of the 1991 Act (length of custodial sentences) shall apply as if the term of an extended sentence did not include the extension period.
- (7) The Secretary of State may by order amend paragraph (b) of subsection (4) above by substituting a different period, not exceeding ten years, for the period for the time being specified in that paragraph.
- (8) In this section—
 “licence” means a licence under Part II of the 1991 Act;
 “sexual offence” and “violent offence” have the same meanings as in Part I of that Act.

Commencement Information

- II** S. 58 wholly in force; S. 58 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

59 Effect of extended sentences.

For section 44 of the 1991 Act there shall be substituted the following section—

“44 Extended sentences for sexual or violent offenders.

- (1) This section applies to a prisoner serving an extended sentence within the meaning of section 58 of the Crime and Disorder Act 1998.
- (2) Subject to the provisions of this section and section 51(2D) below, this Part, except sections 40 and 40A, shall have effect as if the term of the extended sentence did not include the extension period.
- (3) Where the prisoner is released on licence under this Part, the licence shall, subject to any revocation under section 39(1) or (2) above, remain in force until the end of the extension period.
- (4) Where, apart from this subsection, the prisoner would be released unconditionally—
 - (a) he shall be released on licence; and
 - (b) the licence shall, subject to any revocation under section 39(1) or (2) above, remain in force until the end of the extension period.
- (5) The extension period shall be taken to begin as follows—
 - (a) for the purposes of subsection (3) above, on the date given by section 37(1) above;
 - (b) for the purposes of subsection (4) above, on the date on which, apart from that subsection, the prisoner would have been released unconditionally.

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- (6) Sections 33(3) and 33A(1) above and section 46 below shall not apply in relation to the prisoner.
- (7) For the purposes of sections 37(5) and 39(1) and (2) above the question whether the prisoner is a long-term or short-term prisoner shall be determined by reference to the term of the extended sentence.
- (8) In this section “extension period” has the same meaning as in section 58 of the Crime and Disorder Act 1998.”

Modifications etc. (not altering text)

C1 S. 59 restricted (19.9.1998) by S.I. 1998/2327, art.8(1).

Commencement Information

I2 S. 59 wholly in force; S. 59 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

60 Re-release of prisoners serving extended sentences.

After section 44 of the 1991 Act there shall be inserted the following section—

“44A Re-release of prisoners serving extended sentences.

- (1) This section applies to a prisoner serving an extended sentence within the meaning of section 58 of the Crime and Disorder Act 1998 who is recalled to prison under section 39(1) or (2) above.
- (2) Subject to subsection (3) below, the prisoner may require the Secretary of State to refer his case to the Board at any time.
- (3) Where there has been a previous reference of the prisoner’s case to the Board (whether under this section or section 39(4) above), the Secretary of State shall not be required to refer the case until after the end of the period of one year beginning with the disposal of that reference.
- (4) On a reference—
 - (a) under this section; or
 - (b) under section 39(4) above,the Board shall direct the prisoner’s release if satisfied that it is no longer necessary for the protection of the public that he should be confined (but not otherwise).
- (5) If the Board gives a direction under subsection (4) above it shall be the duty of the Secretary of State to release the prisoner on licence.”

Commencement Information

I3 S. 60 wholly in force; S. 60 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Status:

Point in time view as at 30/09/1998.

Changes to legislation:

Crime and Disorder Act 1998, Cross Heading: Sexual or violent offenders is up to date with all changes known to be in force on or before 26 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.