



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART V

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Release and recall of prisoners*

#### **101 Early release: two or more sentences.**

(1) For subsection (2) of section 51 of the 1991 Act (interpretation of Part II) there shall be substituted the following subsections—

“(2) For the purposes of any reference in this Part, however expressed, to the term of imprisonment to which a person has been sentenced or which, or part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term if—

- (a) the sentences were passed on the same occasion; or
- (b) where they were passed on different occasions, the person has not been released under this Part at any time during the period beginning with the first and ending with the last of those occasions.

(2A) Where a suspended sentence of imprisonment is ordered to take effect, with or without any variation of the original term, the occasion on which that order is made shall be treated for the purposes of subsection (2) above as the occasion on which the sentence is passed.

(2B) Where a person has been sentenced to two or more terms of imprisonment which are wholly or partly concurrent and do not fall to be treated as a single term—

- (a) nothing in this Part shall require the Secretary of State to release him in respect of any of the terms unless and until the Secretary of State is required to release him in respect of each of the others;
- (b) nothing in this Part shall require the Secretary of State or the Board to consider his release in respect of any of the terms unless and until

*Status: Point in time view as at 08/02/2000. This version of this provision has been superseded.*

*Changes to legislation: Crime and Disorder Act 1998, Section 101 is up to date with all changes known to be in force on or before 17 August 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)*

- the Secretary of State or the Board is required to consider his release, or the Secretary of State is required to release him, in respect of each of the others;
- (c) on and after his release under this Part he shall be on licence for so long, and subject to such conditions, as is required by this Part in respect of any of the sentences; and
  - (d) the date mentioned in section 40(1) above shall be taken to be that on which he would (but for his release) have served each of the sentences in full.
- (2C) Where a person has been sentenced to one or more terms of imprisonment and to one or more life sentences (within the meaning of section 34 of the <sup>M1</sup>Crime (Sentences) Act 1997), nothing in this Part shall—
- (a) require the Secretary of State to release the person in respect of any of the terms unless and until the Secretary of State is required to release him in respect of each of the life sentences; or
  - (b) require the Secretary of State or the Board to consider the person's release in respect of any of the terms unless and until the Secretary of State or the Board is required to consider his release in respect of each of the life sentences.
- (2D) Subsections (2B) and (2C) above shall have effect as if the term of an extended sentence (within the meaning of section 58 of the Crime and Disorder Act 1998) included the extension period (within the meaning of that section).”
- (2) After subsection (3) of section 34 of the 1997 Act (interpretation of Chapter II) there shall be inserted the following subsection—
- “(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.”

**Commencement Information**

**II** S. 101 wholly in force; S. 101 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)

**Marginal Citations**

**M1** 1997 c.43.

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