



Crime and Disorder Act 1998

1998 CHAPTER 37

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Release and recall of prisoners

105 Release on licence following return to prison

After section 40 of the 1991 Act there shall be inserted the following section—

“40A Release on licence following return to prison

- (1) This section applies (in place of sections 33, 33A, 37(1) and 39 above) where a court passes on a person a sentence of imprisonment which—
 - (a) includes, or consists of, an order under section 40 above; and
 - (b) is for a term of twelve months or less.
- (2) As soon as the person has served one-half of the sentence, it shall be the duty of the Secretary of State to release him on licence.
- (3) Where the person is so released, the licence shall remain in force for a period of three months.
- (4) If the person fails to comply with such conditions as may for the time being be specified in the licence, he shall be liable on summary conviction—
 - (a) to a fine not exceeding level 3 on the standard scale; or
 - (b) to a sentence of imprisonment for a term not exceeding the relevant period,but not liable to be dealt with in any other way.
- (5) In subsection (4) above “the relevant period” means a period which is equal in length to the period between the date on which the failure occurred or began and the date of the expiry of the licence.

Status: This is the original version (as it was originally enacted).

- (6) As soon as a person has served one-half of a sentence passed under subsection (4) above, it shall be the duty of the Secretary of State to release him, subject to the licence if it is still subsisting.”