



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12 **U.K.**

SENTENCING

CHAPTER 6 **E+W**

[^{F1} RELEASE, LICENCES^{F2}, SUPERVISION] AND RECALL]

Textual Amendments

- F1** Pt. 12 Ch. 6 heading substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 16](#); S.I. 2012/2906, art. 2(l)
- F2** Word in Pt. 12 Ch. 6 heading inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 15](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)

Modifications etc. (not altering text)

- C1** Pt. 12 Ch. 6 applied to any person serving a sentence for an offence committed before 4 April 2005 (whenever that sentence was or is imposed) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 121\(1\)](#), 151(1); S.I. 2012/2906, art. 2(d)
- C2** Pt. 12 Ch. 6 applied (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 7 para. 2\(a\)](#); S.I. 2015/40, art. 2(x)

Preliminary

237 **Meaning of “fixed-term prisoner”** [^{F3} etc] **E+W**

- (1) In this Chapter “fixed-term prisoner” means—
- (a) a person serving a sentence of imprisonment for a determinate term, or

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- (b) a person serving a determinate sentence of detention under section 91 [F4 or 96] of the Sentencing Act or under section [F5 226A, 226B,] [F6 227 or] 228 of this Act.

[F7 and “fixed-term sentence” means a sentence falling within paragraph (a) or (b).]

[F8(1B) In this Chapter—

- (a) references to a sentence of imprisonment include such a sentence passed by a service court;
- (b) references to a sentence of detention under section 91 of the Sentencing Act include a sentence of detention under section 209 of the Armed Forces Act 2006;
- [references to a sentence under section 226A of this Act include a sentence
- [F9(ba) under that section passed as a result of section 219A of the Armed Forces Act 2006;
- (bb) references to a sentence under section 226B of this Act include a sentence under that section passed as a result of section 221A of the Armed Forces Act 2006;]
- (c) references to a sentence under section 227 of this Act include a sentence under that section passed as a result of section 220 of the Armed Forces Act 2006 [F10 or section 240A]; and
- (d) references to a sentence under section 228 of this Act include a sentence under that section passed as a result of section 222 of that Act.

(1C) Nothing in subsection (1B) has the effect that [F11 section 240ZA] or 265 (provision equivalent to which is made by the Armed Forces Act 2006) [F12 or section 240A] applies to a service court.]

(2) In this Chapter, unless the context otherwise requires, “prisoner” includes a person serving a sentence falling within subsection (1)(b); and “prison” includes any place where a person serving such a sentence is liable to be detained.

[F13(3) In this Chapter, references to a sentence of detention under section 96 of the Sentencing Act or section [F14 226A or] 227 of this Act are references to a sentence of detention in a young offender institution.]

Textual Amendments

- F3** Word in s. 237 heading inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 219](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F4** Words in s. 237(1)(b) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 117\(2\)\(a\)](#), 151(1) (with Sch. 15); S.I. 2012/2906, [art. 2\(d\)](#)
- F5** Words in s. 237(1)(b) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 20 para. 2\(2\)](#); S.I. 2012/2906, [art. 2\(r\)](#)
- F6** Words in s. 237(1)(b) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 117\(2\)\(b\)](#), 151(1) (with Sch. 15); S.I. 2012/2906, [art. 2\(d\)](#)
- F7** Words in s. 237(1) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 2\(3\)](#), 22(1) (with Sch. 7 para. 2); S.I. 2015/40, [art. 2\(b\)](#)
- F8** S. 237(1B)(1C) inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 219](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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- F9** S. 237(1B)(ba)(bb) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 22 para. 21](#); S.I. 2012/2906, art. 2(t)
- F10** Words in s. 237(1B) inserted (31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 21\(2\), 153](#); S.I. 2009/2606, art. 3(a)
- F11** Words in s. 237(1C) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 110\(2\)\(a\), 151\(1\)](#) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F12** Words in s. 237(1C) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 110\(2\)\(b\), 151\(1\)](#) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F13** S. 237(3) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 117\(3\), 151\(1\)](#) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F14** Words in s. 237(3) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 20 para. 2\(3\)](#); S.I. 2012/2906, art. 2(r)

Modifications etc. (not altering text)

- C3** S. 237(1B) modified (24.4.2009 for certain purposes, otherwise 31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\), arts. 1\(3\), 205, Sch. 1 para. 53\(8\)](#)

Commencement Information

- I1** S. 237 wholly in force at 4.4.2005; s. 237 not in force at Royal Assent, see s. 336(3); s. 237 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 237 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 19](#) (subject to [art. 2\(2\), Sch. 2](#))

Power of court to recommend licence conditions

238 Power of court to recommend licence conditions for certain prisoners **E+W**

- (1) A court which sentences an offender to a term of imprisonment of twelve months or more in respect of any offence may, when passing sentence, recommend to the Secretary of State particular conditions which in its view should be included in any licence granted to the offender under this Chapter on his release from prison.
- (2) In exercising his powers under section 250(4)(b) in respect of an offender, the Secretary of State must have regard to any recommendation under subsection (1).
- (3) A recommendation under subsection (1) is not to be treated for any purpose as part of the sentence passed on the offender.
- (4) This section does not apply in relation to a sentence of detention under section 91 of the Sentencing Act or section [F15226B] of this Act.

Textual Amendments

- F15** Word in s. 238(4) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 20 para. 3](#); S.I. 2012/2906, art. 2(r)

Modifications etc. (not altering text)

- C4** S. 238(1) modified (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 262, 383](#) (with s. 271(1)); S.I. 2009/812, art. 3 (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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Commencement Information

- I2** S. 238 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

239 The Parole Board **E+W**

- (1) The Parole Board is to continue to be, by that name, a body corporate and as such is—
 - (a) to be constituted in accordance with this Chapter, and
 - (b) to have the functions conferred on it by this Chapter in respect of fixed-term prisoners and by Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (c. 43) (in this Chapter referred to as “the 1997 Act”) in respect of life prisoners within the meaning of that Chapter.
- (2) It is the duty of the Board to advise the Secretary of State with respect to any matter referred to it by him which is to do with the early release or recall of prisoners.
- (3) The Board must, in dealing with cases as respects which it makes recommendations under this Chapter or under Chapter 2 of Part 2 of the 1997 Act, consider—
 - (a) any documents given to it by the Secretary of State, and
 - (b) any other oral or written information obtained by it;
 and if in any particular case the Board thinks it necessary to interview the person to whom the case relates before reaching a decision, the Board may authorise one of its members to interview him and must consider the report of the interview made by that member.
- (4) The Board must deal with cases as respects which it gives directions under this Chapter or under Chapter 2 of Part 2 of the 1997 Act on consideration of all such evidence as may be adduced before it.
- (5) Without prejudice to subsections (3) and (4), the Secretary of State may make rules with respect to the proceedings of the Board, including proceedings authorising cases to be dealt with by a prescribed number of its members or requiring cases to be dealt with at prescribed times.
- (6) The Secretary of State may also give to the Board directions as to the matters to be taken into account by it in discharging any functions under this Chapter or under Chapter 2 of Part 2 of the 1997 Act; and in giving any such directions the Secretary of State must have regard to—
 - (a) the need to protect the public from serious harm from offenders, and
 - (b) the desirability of preventing the commission by them of further offences and of securing their rehabilitation.
- (7) Schedule 19 shall have effect with respect to the Board.

Commencement Information

- I3** S. 239 wholly in force at 4.4.2005; s. 239 not in force at Royal Assent, see s. 336(3); s. 239 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 239(5)(6) in force at 7.3.2005 by [S.I. 2005/373](#), [art. 2](#); s. 239 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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Effect of remand in custody [F16 or on bail subject to certain types of condition]

Textual Amendments

F16 Words in s. 240 cross-heading inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 21\(3\), 153; S.I. 2008/2712, art. 2, Sch. para. 1](#) (subject to arts. 3, 4)

F17 **240 Crediting of periods of remand in custody: terms of imprisonment and detention** **E+W**

Textual Amendments

F17 S. 240 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 108\(1\), 151\(1\)](#) (with [Sch. 15](#)); [S.I. 2012/2906, art. 2\(d\)](#)

F18 **240Z Time remanded in custody to count as time served: terms of imprisonment and detention** **E+W**

- (1) This section applies where—
 - (a) an offender is serving a term of imprisonment in respect of an offence, and
 - (b) the offender has been remanded in custody (within the meaning given by section 242) in connection with the offence or a related offence.
- (2) It is immaterial for that purpose whether, for all or part of the period during which the offender was remanded in custody, the offender was also remanded in custody in connection with other offences (but see subsection (5)).
- (3) The number of days for which the offender was remanded in custody in connection with the offence or a related offence is to count as time served by the offender as part of the sentence.
But this is subject to subsections (4) to (6).
- (4) If, on any day on which the offender was remanded in custody, the offender was also detained in connection with any other matter, that day is not to count as time served.
- (5) A day counts as time served—
 - (a) in relation to only one sentence, and
 - (b) only once in relation to that sentence.
- (6) A day is not to count as time served as part of any [F19 automatic release period served by the offender] (see section 255B(1)).
- (7) For the purposes of this section a suspended sentence—
 - (a) is to be treated as a sentence of imprisonment when it takes effect under paragraph 8(2)(a) or (b) of Schedule 12, and
 - (b) is to be treated as being imposed by the order under which it takes effect.

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- (8) In this section “related offence” means an offence, other than the offence for which the sentence is imposed (“offence A”), with which the offender was charged and the charge for which was founded on the same facts or evidence as offence A.
- (9) For the purposes of the references in subsections (3) and (5) to the term of imprisonment to which a person has been sentenced (that is to say, the reference to the offender's “sentence”), consecutive terms and terms which are wholly or partly concurrent are to 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 at any time during the period beginning with the first and ending with the last of those occasions.
- (10) The reference in subsection (4) to detention in connection with any other matter does not include remand in custody in connection with another offence but includes—
- (a) detention pursuant to any custodial sentence;
 - (b) committal in default of payment of any sum of money;
 - (c) committal for want of sufficient distress to satisfy any sum of money;
 - (d) committal for failure to do or abstain from doing anything required to be done or left undone.
- (11) This section applies to a determinate sentence of detention under section 91 or 96 of the Sentencing Act or section [F20 226A, 226B,] 227 or 228 of this Act as it applies to an equivalent sentence of imprisonment.]

Textual Amendments

- F18** S. 240ZA inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 108(2)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F19** Words in s. 240ZA(6) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 9(6)**, 22(1) (with [Sch. 7 para. 5](#)); S.I. 2015/40, art. 2(i)
- F20** Words in s. 240ZA(11) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 20 para. 4**; S.I. 2012/2906, art. 2(r)

[F21 240A][F22 Time remanded on bail to count towards time served]: terms of imprisonment and detention **E+W**

- (1) This section applies where—
- (a) a court sentences an offender to imprisonment for a term in respect of an offence ^{F23} ... ,
 - (b) the offender was remanded on bail by a court in course of or in connection with proceedings for the offence, or any related offence, after the coming into force of section 21 of the Criminal Justice and Immigration Act 2008, and
 - (c) the offender's bail was subject to a qualifying curfew condition and an electronic monitoring condition (“the relevant conditions”).
- (2) Subject to [F24 subsections (3A) and (3B)], the court must direct that the credit period is to count as time served by the offender as part of the sentence.
- [F25(3) The credit period is calculated by taking the following steps.
- Step 1* Add—

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- (a) the day on which the offender's bail was first subject to the relevant conditions (and for this purpose a condition is not prevented from being a relevant condition by the fact that it does not apply for the whole of the day in question), and
- (b) the number of other days on which the offender's bail was subject to those conditions (but exclude the last of those days if the offender spends the last part of it in custody).

Step 2 Deduct the number of days on which the offender, whilst on bail subject to the relevant conditions, was also—

- (a) subject to any requirement imposed for the purpose of securing the electronic monitoring of the offender's compliance with a curfew requirement, or
- (b) on temporary release under rules made under section 47 of the Prison Act 1952.

Step 3 From the remainder, deduct the number of days during that remainder on which the offender has broken either or both of the relevant conditions.

Step 4 Divide the result by 2.

Step 5 If necessary, round up to the nearest whole number.

(3A) A day of the credit period counts as time served—

- (a) in relation to only one sentence, and
- (b) only once in relation to that sentence.

(3B) A day of the credit period is not to count as time served as part of any [^{F26}automatic release period served by the offender] (see section 255B(1)).]

(8) Where the court gives a direction under subsection (2) ^{F27}... it shall state in open court—

- (a) the number of days on which the offender was subject to the relevant conditions, and

[^{F28}(b) the number of days (if any) which it deducted under each of steps 2 and 3.]

^{F29}(9)

^{F29}(10)

(11) [^{F30}Subsections (7) to (9) and (11) of section 240ZA] apply for the purposes of this section as they apply for the purposes of that section but as if—

- (a) in subsection (7)—
 - (i) the reference to a suspended sentence is to be read as including a reference to a sentence to which an order under section 118(1) of the Sentencing Act relates;
 - (ii) in paragraph (a) after “Schedule 12” there were inserted or section 119(1)(a) or (b) of the Sentencing Act; and
- (b) [^{F31}in subsection (9) the references to subsections (3) and (5) of section 240ZA are] to be read as a reference to subsection (2) of this section and, in paragraph (b), after “Chapter” there were inserted or Part 2 of the Criminal Justice Act 1991.

(12) In this section—

[^{F32}“curfew requirement” means a requirement (however described) to remain at one or more specified places for a specified number of hours in any

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given day, provided that the requirement is imposed by a court or the Secretary of State and arises as a result of a conviction;]

“electronic monitoring condition” means any electronic monitoring requirements imposed under section 3(6ZAA) of the Bail Act 1976 for the purpose of securing the electronic monitoring of a person's compliance with a qualifying curfew condition;

“qualifying curfew condition” means a condition of bail which requires the person granted bail to remain at one or more specified places for a total of not less than 9 hours in any given day; ^{F33} ...

^{F33}]

Textual Amendments

- F21** S. 240A inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 21\(4\)](#), 153; S.I. 2008/2712, [art. 2](#), [Sch. para. 1](#) (subject to arts. 3, 4)
- F22** Words in s. 240A heading substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 109\(8\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F23** Words in s. 240A(1)(a) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\)](#), [Sch. 16 para. 14](#); S.I. 2012/2906, art. 2(n)
- F24** Words in s. 240A(2) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 109\(2\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F25** S. 240A(3)-(3B) substituted for s. 240A(3)-(8) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 109\(3\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F26** Words in s. 240A(3B) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 9\(7\)](#), 22(1) (with [Sch. 7 para. 5](#)); S.I. 2015/40, art. 2(i)
- F27** Words in s. 240A(8) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 109\(4\)\(a\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F28** S. 240A(8)(b) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 109\(4\)\(b\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F29** S. 240A(9)(10) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 109\(5\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F30** Words in s. 240A(11) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 109\(6\)\(a\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F31** Words in s. 240A(11)(b) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 109\(6\)\(b\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F32** Words in s. 240A(12) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 109\(7\)\(a\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F33** Words in s. 240A(12) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 109\(7\)\(b\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)

Modifications etc. (not altering text)

- C5** S. 240A(2) excluded (3.11.2008) by The Remand on [Bail \(Disapplication of Credit Period\) Rules 2008 \(S.I. 2008/2793\)](#), [art. 2](#)
- C6** S. 240A(2) excluded (3.11.2008) by The Remand on [Bail \(Disapplication of Credit Period\) Rules 2008 \(S.I. 2008/2793\)](#), [art. 3](#)
- C7** S. 240A(2) excluded (3.11.2008) by The Remand on [Bail \(Disapplication of Credit Period\) Rules 2008 \(S.I. 2008/2793\)](#), [art. 4](#)

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241 Effect of [F34 section 240ZA or direction under section 240A] on release on licence E+W

- (1) In determining for the purposes of this Chapter F35 ... whether a person [F36 to whom section 240ZA applies or a direction under section 240A relates]—
- (a) has served, or would (but for his release) have served, a particular proportion of his sentence, or
 - (b) has served a particular period,
- the number of days [F37 specified in section 240ZA or in the direction under section 240A] are to be treated as having been served by him as part of that sentence or period.

[F38(1A) In subsection (1) the reference to [F39 section 240ZA includes] section 246 of the Armed Forces Act 2006.]

F40(2)

Textual Amendments

- F34** Words in s. 241 heading substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 110(6)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F35** Words in s. 241(1) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 20(a)**; S.I. 2012/2906, art. 2(h)
- F36** Words in s. 241(1) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 110(4)(a)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F37** Words in s. 241(1) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 110(4)(b)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F38** S. 241(1A) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c.52\)](#), ss. 378(1), 383, **Sch. 16 para. 220**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F39** Words in s. 241(1A) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 110(5)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F40** S. 241(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 20(b)**; S.I. 2012/2906, art. 2(h)

Modifications etc. (not altering text)

- C8** S. 241 modified (26.1.2004) by [The Intermittent Custody \(Transitory Provisions\) Order 2003 \(S.I. 2003/3283\)](#), **art. 3**

Commencement Information

- I4** S. 241 wholly in force 4.4.2005; s. 241 not in force at Royal Assent, see s. 336(3); s. 241 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), **art. 2**, Sch.; s. 241 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), **art. 2(1)**, Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

242 Interpretation of [F41 sections 240ZA][F42, 240A] and 241 E+W

- (1) For the purposes of [F41 sections 240ZA][F42, 240A] and 241, the definition of “sentence of imprisonment” in section 305 applies as if for the words from the beginning of the definition to the end of paragraph (a) there were substituted—

““sentence of imprisonment” does not include a committal—

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(a) in default of payment of any sum of money, other than one adjudged to be paid on a conviction,”;

and references in those sections to sentencing an offender to imprisonment, and to an offender’s sentence, are to be read accordingly.

(2) References in [F41 sections 240ZA] and 241 to an offender’s being remanded in custody are references to his being—

- (a) remanded in or committed to custody by order of a court,
- (b) remanded [F43 to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012], or
- (c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983 (c. 20).

F44(3)

Textual Amendments

- F41** Words in s. 242 substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 110\(7\)](#), [151\(1\)](#) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F42** Words in s. 242 inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 21\(6\)](#), [153](#); S.I. 2008/2712, [art. 2](#), [Sch. para. 1](#) (subject to [arts. 3, 4](#))
- F43** Words in s. 242(2)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 12 para. 51\(a\)](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F44** S. 242(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 12 para. 51\(b\)](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Modifications etc. (not altering text)

- C9** S. 242(2) applied (1.12.2008) by [The Criminal Justice Act 1988 \(c. 33\)](#), [s. 133B\(8\)](#) (as inserted by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 61\(7\)](#), [153](#); S.I. 2008/2993, [art. 2](#) (subject to art. 3))

Commencement Information

- I5** S. 242 wholly in force at 4.4.2005, see [s. 336\(3\)](#) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

243 Persons extradited to the United Kingdom E+W

(1) A fixed-term prisoner is an extradited prisoner for the purposes of this section if—

- (a) he was tried for the offence in respect of which his sentence was imposed [F45 or he received that sentence]—
 - (i) after having been extradited to the United Kingdom, and
 - (ii) without having first been restored or had an opportunity of leaving the United Kingdom, and
- (b) he was for any period kept in custody while awaiting his extradition to the United Kingdom as mentioned in paragraph (a).

[F46(2) In the case of an extradited prisoner, the court must specify in open court the number of days for which the prisoner was kept in custody while awaiting extradition.

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(2A) Section 240ZA applies to days specified under subsection (2) as if they were days for which the prisoner was remanded in custody in connection with the offence or a related offence.]

^{F47}(3)

Textual Amendments

- F45** Words in s. 243(1) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 31](#); [S.I. 2006/3364](#), [art. 2](#)
- F46** S. 243(2)(2A) substituted for s. 243(2) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 110\(8\)](#), 151(1) (with [Sch. 15](#)); [S.I. 2012/2906](#), [art. 2\(d\)](#)
- F47** S. 243(3) repealed (27.7.2004) by [The Extradition Act 2003 \(Repeals\) Order 2004 \(S.I. 2004/1897\)](#), [art. 3](#)

Modifications etc. (not altering text)

- C10** S. 243 applied (15.1.2007) by [Powers of Criminal Courts \(Sentencing\) Act 2000 \(c. 6\)](#), s. 101(12A) (as inserted by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 32](#); [S.I. 2006/3364](#), [art. 2](#))

Commencement Information

- I6** S. 243 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

^{F48}*Unconditional release*

Textual Amendments

- F48** S. 243A and cross-heading inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 111\(1\)](#), 151(1) (with [Sch. 15](#)); [S.I. 2012/2906](#), [art. 2\(d\)](#)

243A Duty to release [^{F49}certain] prisoners serving less than 12 months **E+W**

- ^{F50}(1) This section applies to a fixed-term prisoner if—
- (a) the prisoner is serving a sentence which is for a term of 1 day, or
 - (b) the prisoner—
 - (i) is serving a sentence which is for a term of less than 12 months, and
 - (ii) is aged under 18 on the last day of the requisite custodial period.

- (1A) This section also applies to a fixed-term prisoner if—
- (a) the prisoner is serving a sentence which is for a term of less than 12 months, and
 - (b) the sentence was imposed in respect of an offence committed before the day on which section 1 of the Offender Rehabilitation Act 2014 came into force.]

(2) As soon as a prisoner to whom this section applies has served the requisite custodial period for the purposes of this section, it is the duty of the Secretary of State to release that person unconditionally.

- (3) For the purposes of this section “the requisite custodial period” is—
- (a) [^{F51}in relation to a person serving one sentence], one-half of the sentence, and

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- (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2).
- (4) This section is subject to—
 - (a) section 256B (supervision of young offenders after release), and
 - (b) paragraph 8 of Schedule 20B (transitional cases).]

Textual Amendments

F49 Word in s. 243A heading inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 16](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)

F50 S. 243A(1)(1A) substituted for s. 243A(1) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 1, 22\(1\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(a)

F51 Words in s. 243A(3)(a) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 17](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)

Modifications etc. (not altering text)

C11 S. 243A applied by [Crime \(Sentences\) Act 1997 \(c. 43\)](#), Sch. 1 paras. 8(2)(a), 9(2)(a) (as amended (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 2](#); S.I. 2012/2906, art. 2(1))

C12 S. 243A excluded by [International Criminal Court Act 2001 \(c. 17\)](#), Sch. 7 para. 3(1) (as amended (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 4](#); S.I. 2012/2906, art. 2(1))

Release on licence

244 Duty to release prisoners E+W

- (1) As soon as a fixed-term prisoner, other than a prisoner to whom section ^{F52}243A^{F53}, 246A] or] 247 applies, has served the requisite custodial period ^{F54}[for the purposes of this section], it is the duty of the Secretary of State to release him on licence under this section.
- ^{F55}(1A) Subsection (1) does not apply if the prisoner has been released on licence under section 246 ^{F56}[or 248] and recalled under section 254 (provision for the release of such persons being made by sections 255B and 255C).]
- ^{F57}(2)
- (3) ^{F58}[For the purposes of this section] “the requisite custodial period” means—
 - (a) ^{F59}[in relation to a prisoner serving one sentence], one-half of his sentence,
 - ^{F60}(b)
 - ^{F60}(c)
 - (d) in relation to a person serving two or more concurrent or consecutive sentences ^{F61}... , the period determined under sections 263(2) and 264(2).
- ^{F62}(4) This section is subject to paragraphs 5, 6, 8, 25 and 28 of Schedule 20B (transitional cases).]

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Textual Amendments

- F52** Words in s. 244(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 6(2)(a)**; S.I. 2012/2906, art. 2(l)
- F53** Word in s. 244(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 125(2)**, 151(1); S.I. 2012/2906, art. 2(e)
- F54** Words in s. 244(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 6(2)(b)**; S.I. 2012/2906, art. 2(l)
- F55** S. 244(1A) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 114(2)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F56** Words in s. 244(1A) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 9(2)**, 22(1) (with Sch. 7 para. 5); S.I. 2015/40, art. 2(i)
- F57** S. 244(2) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 21(2)**; S.I. 2012/2906, art. 2(h)
- F58** Words in s. 244(3) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 6(3)(a)**; S.I. 2012/2906, art. 2(l)
- F59** Words in s. 244(3)(a) substituted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 18** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F60** S. 244(3)(b)(c) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 21(3)(a)**; S.I. 2012/2906, art. 2(h); S.I. 2012/2906, art. 2(h)
- F61** Words in s. 244(3)(d) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 21(3)(b)**; S.I. 2012/2906, art. 2(h)
- F62** S. 244(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 17 para. 2**; S.I. 2012/2906, art. 2(o)

Commencement Information

- I7** S. 244 partly in force; s. 244 not in force at Royal Assent, see s. 336(3); s. 244(1)(2)(3)(c)(d) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2**, **Sch.**; s. 244(1)(2)(3)(a)(d) in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, **Sch. 1** para. 19 (subject to **art. 2(2)**, **Sch. 2**)

F63 **245 Restrictions on operation of section 244(1) in relation to intermittent custody prisoners** **E+W**

.....

Textual Amendments

- F63** S. 245 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 22**; S.I. 2012/2906, art. 2(h)

246 Power to release prisoners on licence before required to do so **E+W**

- (1) Subject to subsections (2) to (4), the Secretary of State may—
 - (a) release on licence under this section a fixed-term prisoner^{F64}... at any time during the period of 135 days ending with the day on which the prisoner will have served the requisite custodial period, ^{F65}...
 - ^{F65}(b)
- (2) Subsection (1)(a) does not apply in relation to a prisoner unless—
 - (a) the length of the requisite custodial period is at least 6 weeks, [^{F66}and

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- (b) he has served—
 - (i) at least 4 weeks of that period, and
 - (ii) at least one-half of that period.]

^{F67}(3)

(4) Subsection (1) does not apply where—

- (a) the sentence is imposed under section [^{F68}226A,] 227 or 228,
- [^{F69}(aa) the sentence is for a term of 4 years or more,]
- (b) the sentence is for an offence under section 1 of the Prisoners (Return to Custody) Act 1995 (c. 16),
- (c) the prisoner is subject to a hospital order, hospital direction or transfer direction under section 37, 45A or 47 of the Mental Health Act 1983 (c. 20),
- (d) the sentence was imposed by virtue of paragraph 9(1)(b) or (c) or 10(1)(b) or (c) of Schedule 8 in a case where the prisoner has failed to comply with a curfew requirement of a community order,
- (e) the prisoner is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42),
- (f) the prisoner is liable to removal from the United Kingdom,
- (g) the prisoner has been released on licence under this section [^{F70}at any time], and has been recalled to prison under section 255(1)(a) [^{F71}(and the revocation has not been cancelled under section 255(3))],
- (h) the prisoner has been released on licence under section 248 during the currency of the sentence, and has been recalled to prison under section 254,
^{F72} ...
- [^{F73}(ha) the prisoner has at any time been returned to prison under section 40 of the Criminal Justice Act 1991 or section 116 of the Sentencing Act, or]
- (i) in the case of a prisoner [^{F74}to whom section 240ZA applies or a direction under section 240A relates], the interval between the date on which the sentence was passed and the date on which the prisoner will have served the requisite custodial period is less than 14 days ^{F75}

[^{F76}(4ZA) Where subsection (4)(aa) applies to a prisoner who is serving two or more terms of imprisonment, the reference to the term of the sentence is—

- (a) if the terms are partly concurrent, a reference to the period which begins when the first term begins and ends when the last term ends;
- (b) if the terms are to be served consecutively, a reference to the aggregate of the terms.]

[^{F77}(4A) In subsection (4)—

- (a) the reference in paragraph (d) to a community order includes a service community order or overseas community order under the Armed Forces Act 2006; and
- (b) the reference in paragraph (i) to [^{F78}section 240ZA includes] section 246 of that Act.]

(5) The Secretary of State may by order—

- (a) amend the number of days for the time being specified in subsection (1)(a) ^{F79}... or (4)(i),
- (b) amend the number of weeks for the time being specified in subsection (2)(a) or (b)(i), and

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(c) amend the fraction for the time being specified in subsection (2)(b)(ii)^{F80}...

(6) In this section—

^{F81}
.....
“the requisite custodial period” in relation to a person serving any sentence
^{F82}... , has the meaning given by [^{F83}paragraph (a) or (b) of section 243A(3) or
(as the case may be)] paragraph (a)^{F82}... or (d) of section 244(3);

^{F84}
.....
[^{F85}“term of imprisonment” includes a determinate sentence of detention
under section 91 or 96 of the Sentencing Act or under section [^{F86}226A, 226B,]
227 or 228 of this Act.]

Textual Amendments

- F64** Words in s. 246(1)(a) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(2)(a)**; S.I. 2012/2906, art. 2(h)
- F65** S. 246(1)(b) and preceding word omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(2)(b)**; S.I. 2012/2906, art. 2(h)
- F66** S. 246(2)(b) and word substituted (14.7.2008) for s. 246(2)(b) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 24, 153**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 11
- F67** S. 246(3) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(3)**; S.I. 2012/2906, art. 2(h)
- F68** Words in s. 246(4)(a) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 5(2)**; S.I. 2012/2906, art. 2(r)
- F69** S. 246(4)(aa) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(2), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F70** Words in s. 246(4)(g) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(3)(a), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F71** Words in s. 246(4)(g) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(3)(b), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F72** Word in s. 246(4)(h) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(4), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F73** S. 246(4)(ha) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(4), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F74** Words in s. 246(4)(i) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 110(9)(a), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F75** Words in s. 246(4)(i) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(4)**; S.I. 2012/2906, art. 2(h)
- F76** S. 246(4ZA) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 112(5), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F77** S. 246(4A) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), **ss. 378(1), 383, Sch. 16 para. 221**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F78** Words in s. 246(4A)(b) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 110(9)(b), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F79** Words in s. 246(5)(a) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(5)(a)**; S.I. 2012/2906, art. 2(h)
- F80** Words in s. 246(5)(c) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(5)(b)**; S.I. 2012/2906, art. 2(h)
- F81** Words in s. 246(6) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 23(6)(a)**; S.I. 2012/2906, art. 2(h)

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- F82** Words in s. 246(6) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 23\(6\)\(b\)](#); S.I. 2012/2906, art. 2(h)
- F83** Words in s. 246(6) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 7](#); S.I. 2012/2906, art. 2(l)
- F84** Words in s. 246(6) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 23\(6\)\(c\)](#); S.I. 2012/2906, art. 2(h)
- F85** Words in s. 246(6) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 112\(6\), 151\(1\) \(with Sch. 15\)](#); S.I. 2012/2906, art. 2(d)
- F86** Words in s. 246(6) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 20 para. 5\(3\)](#); S.I. 2012/2906, art. 2(r)

Commencement Information

- I8** S. 246 wholly in force at 4.4.2005; s. 246 not in force at Royal Assent, see s. 336(3); s. 246(1)(b)(3)(4)(b)-(i)(5)(6) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 246(5) in force at 7.3.2005 by [S.I. 2005/373, art. 2](#); s. 246 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 19](#) (subject to [art. 2\(2\), Sch. 2](#))

^{F87} 246A Release on licence of prisoners serving extended sentence under section 226A or 226B **E+W**

- (1) This section applies to a prisoner (“P”) who is serving an extended sentence imposed under section 226A or 226B.
- (2) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the requisite custodial period for the purposes of this section unless either or both of the following conditions are met—
 - (a) the appropriate custodial term is 10 years or more;
 - (b) the sentence was imposed in respect of an offence listed in Parts 1 to 3 of Schedule 15B or in respect of offences that include one or more offences listed in those Parts of that Schedule.
- (3) If either or both of those conditions are met, it is the duty of the Secretary of State to release P on licence in accordance with subsections (4) to (7).
- (4) The Secretary of State must refer P's case to the Board—
 - (a) as soon as P has served the requisite custodial period, and
 - (b) where there has been a previous reference of P's case to the Board under this subsection and the Board did not direct P's release, not later than the second anniversary of the disposal of that reference.
- (5) It is the duty of the Secretary of State to release P on licence under this section as soon as—
 - (a) P has served the requisite custodial period, and
 - (b) the Board has directed P's release under this section.
- (6) The Board must not give a direction under subsection (5) unless—
 - (a) the Secretary of State has referred P's case to the Board, and
 - (b) the Board is satisfied that it is no longer necessary for the protection of the public that P should be confined.
- (7) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the appropriate custodial term, unless P has previously been released

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on licence under this section and recalled under section 254 (provision for the release of such persons being made by section 255C).

- (8) For the purposes of this section—
- “appropriate custodial term” means the term determined as such by the court under section 226A or 226B (as appropriate);
 - “the requisite custodial period” means—
 - (a) in relation to a person serving one sentence, two-thirds of the appropriate custodial term, and
 - (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2).]

Textual Amendments

F87 S. 246A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 125\(3\), 151\(1\)](#); [S.I. 2012/2906](#), [art. 2\(e\)](#)

247 Release on licence of prisoner serving extended sentence under section 227 or 228 **E+W**

- (1) This section applies to a prisoner who is serving an extended sentence imposed under section 227 or 228.
- (2) As soon as—
- (a) a prisoner to whom this section applies has served one-half of the appropriate custodial term, ^{F88} . . .
 - (b) ^{F89}
- it is the duty of the Secretary of State to release him on licence.
- (3) ^{F90}
- (4) ^{F91}
- (5) ^{F92}
- (6) ^{F93}
- (7) In this section “the appropriate custodial term” means the period determined by the court as the appropriate custodial term under section 227 or 228.
- [^{F94}(8) In its application to a person serving a sentence imposed before 14 July 2008, this section is subject to the modifications set out in paragraph 15 of Schedule 20B (transitional cases).]

Textual Amendments

F88 Word at the end of s. 247(2)(a) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 25\(2\)\(a\), 149, 153](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 50\(2\)\(c\)](#) (subject to [Sch. 2 para. 2](#))

F89 S. 247(2)(b) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 25\(2\)\(b\), 149, 153](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 50\(2\)\(c\)](#) (subject to [Sch. 2 para. 2](#))

F90 S. 247(3) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 25\(3\), 149, 153](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 50\(2\)\(c\)](#) (subject to [Sch. 2 para. 2](#))

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- F91** S. 247(4) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 25(3), 149, 153, **Sch. 28 Pt. 2**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F92** S. 247(5) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 25(3), 149, 153, **Sch. 28 Pt. 2**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F93** S. 247(6) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 25(3), 149, 153, **Sch. 28 Pt. 2**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F94** S. 247(8) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 17 para. 3**; S.I. 2012/2906, art. 2(o)

Commencement Information

- I9** S. 247 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 19 (subject to **art. 2(2)**, **Sch. 2**)

248 Power to release prisoners on compassionate grounds **E+W**

(1) The Secretary of State may at any time release a fixed-term prisoner on licence if he is satisfied that exceptional circumstances exist which justify the prisoner’s release on compassionate grounds.

^{F95}(2)

Textual Amendments

- F95** S. 248(2) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 116(2)**, 151(1) (with Sch. 15); S.I. 2012/2906, **art. 2(d)**

Commencement Information

- I10** S. 248 wholly in force at 4.4.2005; s. 248 not in force at Royal Assent, see s. 336(3); s. 248(1) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2**, **Sch. 2**; s. 248 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 19 (subject to **art. 2(2)**, **Sch. 2**)

249 Duration of licence **E+W**

(1) Subject to [^{F96}subsection (3)], where a fixed-term prisoner^{F97}, other than one to whom section 243A applies,] is released on licence, the licence shall, subject to any revocation under section 254 or 255, remain in force for the remainder of his sentence.

[^{F98}(1A) Where a prisoner to whom section 243A applies is released on licence, the licence shall, subject to any revocation under section 254 or 255, remain in force until the date on which, but for the release, the prisoner would have served one-half of the sentence.

This is subject to subsection (3).]

^{F99}(2)

(3) [^{F100}Subsections (1) and (1A) have] effect subject to [^{F101}section] 263(2) (concurrent terms) [^{F102}and sections 264(3C)(a) and 264B]^{F103} ... (consecutive terms)^{F104} ...

^{F105}(4)

[^{F106}(5) This section is subject to paragraphs 17, 19 and 26 of Schedule 20B (transitional cases).]

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Textual Amendments

- F96** Words in s. 249(1) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(a\)](#); S.I. 2012/2906, art. 2(h)
- F97** Words in s. 249(1) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(2\)](#); S.I. 2012/2906, art. 2(l)
- F98** S. 249(1A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(3\)](#); S.I. 2012/2906, art. 2(l)
- F99** S. 249(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(b\)](#); S.I. 2012/2906, art. 2(h)
- F100** Words in s. 249(3) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(4\)\(a\)](#); S.I. 2012/2906, art. 2(l)
- F101** Word in s. 249(3) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 5\(4\)\(a\), 22\(1\) \(with Sch. 7 para. 2\)](#); S.I. 2015/40, art. 2(e)
- F102** Words in s. 249(3) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 5\(4\)\(b\), 22\(1\) \(with Sch. 7 para. 2\)](#); S.I. 2015/40, art. 2(e)
- F103** Words in s. 249(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(4\)\(b\)](#); S.I. 2012/2906, art. 2(l)
- F104** Words in s. 249(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(c\)](#); S.I. 2012/2906, art. 2(h)
- F105** S. 249(4) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(d\)](#); S.I. 2012/2906, art. 2(h)
- F106** S. 249(5) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 17 para. 4](#); S.I. 2012/2906, art. 2(o)

Commencement Information

- I11** S. 249 wholly in force at 4.4.2005; s. 249 not in force at Royal Assent, see s. 336(3); s. 249 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 249 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\) Sch. 1 para. 19](#) (subject to art. 2(2), Sch. 2)

250 Licence conditions **E+W**

(1) In this section—

- (a) “the standard conditions” means such conditions as may be prescribed for the purposes of this section as standard conditions, and
- (b) “prescribed” means prescribed by the Secretary of State by order.

^{F107}(2)

^{F108}(2A)

^{F109}(3)

(4) Any licence under this Chapter in respect of a prisoner serving a sentence of imprisonment ^{F110}... (including ^{F110}... a sentence imposed under section [^{F111}226A or] 227) or any sentence of detention under section 91 [^{F112}or 96] of the Sentencing Act or section [^{F113}226A, 226B,]^{F114}[227 or] 228 of this Act—

- (a) must include the standard conditions, and
- (b) may include—
- (i) any condition authorised by section 62 [^{F115}, 64 or 64A] of the Criminal Justice and Court Services Act 2000 [^{F116}or section 28 of the Offender Management Act 2007], and

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- (ii) such other conditions of a kind prescribed by the Secretary of State for the purposes of this paragraph as the Secretary of State may for the time being specify in the licence.
- (5) A licence under section 246 must also include a curfew condition complying with section 253.
- [^{F117}(5A) In respect of a prisoner serving an extended sentence imposed under section 226A or 226B whose release is directed by the Board under section 246A(5), a licence under—
- (a) section 246A(5) (initial release), or
- (b) section 255C (release after recall),
- may not include conditions referred to in subsection (4)(b)(ii) unless the Board directs the Secretary of State to include them.]
- ^{F118}(6)
- ^{F119}(7)
- (8) In exercising his powers to prescribe standard conditions or the other conditions referred to in subsection (4)(b)(ii), the Secretary of State must have regard to the following purposes of the supervision of offenders while on licence under this Chapter—
- (a) the protection of the public,
- (b) the prevention of re-offending, and
- (c) securing the successful re-integration of the prisoner into the community.

Textual Amendments

- F107** S. 250(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 25\(a\)](#); S.I. 2012/2906, art. 2(h)
- F108** S. 250(2A) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 25\(a\)](#); S.I. 2012/2906, art. 2(h)
- F109** S. 250(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 25\(a\)](#); S.I. 2012/2906, art. 2(h)
- F110** Words in s. 250(4) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 9](#); S.I. 2012/2906, art. 2(l)
- F111** Words in s. 250(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 20 para. 6\(2\)\(a\)](#); S.I. 2012/2906, art. 2(r)
- F112** Words in s. 250(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 117\(5\)\(a\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F113** Words in s. 250(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 20 para. 6\(2\)\(b\)](#); S.I. 2012/2906, art. 2(r)
- F114** Words in s. 250(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 117\(5\)\(b\)](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F115** Words in s. 250(4)(b)(i) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 12\(2\)](#), 22(1) (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(k)
- F116** Words in s. 250(4)(b)(i) inserted (for specified purposes and with effect in accordance with art. 5 of the commencing S.I., 6.1.2014 in so far as not already in force) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 28\(5\)](#), 41(1); S.I. 2009/32, arts. 3(a), 4; S.I. 2013/1963, art. 2(1)
- F117** S. 250(5A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 20 para. 6\(3\)](#); S.I. 2012/2906, art. 2(r)
- F118** S. 250(6) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 25\(a\)](#); S.I. 2012/2906, art. 2(h)

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F119 S. 250(7) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 5\(5\)](#), [22\(1\)](#) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(e\)](#)

Commencement Information

I12 S. 250 partly in force; s. 250 not in force at Royal Assent, see [s. 336\(3\)](#); [s. 250\(1\)-\(3\)\(5\)-\(8\)](#) in force for certain purposes at [26.1.2004](#) by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); [s. 250\(1\)\(2\)\(b\)\(ii\)\(4\)\(b\)\(ii\)\(8\)](#) in force at [7.3.2005](#) by [S.I. 2005/373](#), [art. 2](#); [s. 250\(1\)\(4\)-\(7\)](#) in force at [4.4.2005](#) by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

F120 **251 Licence conditions on re-release of prisoner serving sentence of less than 12 months** **E+W**

Textual Amendments

F120 S. 251 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 10 para. 26](#); [S.I. 2012/2906](#), [art. 2\(h\)](#)

Commencement Information

I13 S. 251 partly in force; s. 251 not in force at Royal Assent, see [s. 336\(3\)](#); s. 251 in force for certain purposes at [26.1.2004](#) by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

252 Duty to comply with licence conditions **E+W**

[^{F121}(1)] A person subject to a licence under this Chapter must comply with such conditions as may for the time being be specified in the licence.

[^{F122}(2) But where—

- (a) the licence relates to a sentence of imprisonment passed by a service court, [^{F123}and]
- ^{F124}(b)
- (c) the person is residing outside the British Islands,
the conditions specified in the licence apply to him only so far as it is practicable for him to comply with them where he is residing.]

Textual Amendments

F121 S. 252 renumbered (28.3.2009 for certain purposes, otherwise 31.10.2009) as [s. 252\(1\)](#) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 378\(1\)](#), [383](#), [Sch. 16 para. 224\(1\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

F122 S. 252(2) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 378\(1\)](#), [383](#), [Sch. 16 para. 224\(2\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

F123 Word in [s. 252\(2\)\(a\)](#) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 10 para. 27\(a\)](#); [S.I. 2012/2906](#), [art. 2\(h\)](#)

F124 S. 252(2)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 10 para. 27\(b\)](#); [S.I. 2012/2906](#), [art. 2\(h\)](#)

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Commencement Information

- I14** S. 252 wholly in force at 4.4.2005; s. 252 not in force at Royal Assent, see s. 336(3); s. 252 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 252 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), {art. 2(1)}, [Sch. 1](#) para. 19 (subject to art. 2(2), [Sch. 2](#))

253 Curfew condition to be included in licence under section 246^{F125}, 255B or 255C] **E+W**

- (1) For the purposes of this Chapter, a curfew condition is a condition which—
- (a) requires the released person to remain, for periods for the time being specified in the condition, at a place for the time being so specified (which may be premises approved by the Secretary of State under [^{F126}section 13 of the Offender Management Act 2007 (c.21)]), and
 - (b) includes requirements for securing the electronic monitoring of his whereabouts during the periods for the time being so specified.
- (2) The curfew condition may specify different places or different periods for different days, but may not specify periods which amount to less than 9 hours in any one day (excluding for this purpose the first and last days of the period for which the condition is in force).
- (3) The curfew condition is to remain in force until the date when the released person would (but for his release) fall to be released [^{F127}unconditionally under section 243A or] on licence under section 244.
- ^{F128}(4)
- (5) The curfew condition must include provision for making a person responsible for monitoring the released person's whereabouts during the periods for the time being specified in the condition; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (6) Nothing in this section is to be taken to require the Secretary of State to ensure that arrangements are made for the electronic monitoring of released persons' whereabouts in any particular part of England and Wales.

Textual Amendments

- F125** Words in s. 253 heading inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 114\(3\)](#), [151\(1\)](#) (with [Sch. 15](#)); [S.I. 2012/2906](#), [art. 2\(d\)](#)
- F126** Words in s. 253(1)(a) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), [art. 3](#), [Sch. 1 para. 19\(14\)](#)
- F127** Words in s. 253(3) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 14 para. 10](#); [S.I. 2012/2906](#), [art. 2\(l\)](#)
- F128** S. 253(4) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 10 para. 28](#); [S.I. 2012/2906](#), [art. 2\(h\)](#)

Commencement Information

- I15** S. 253 wholly in force at 4.4.2005; s. 253 not in force at Royal Assent, see s. 336(3); s. 253 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 253(5) in force at 7.3.2005 by [S.I. 2005/373](#), [art. 2](#); s. 253 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1](#) para. 19 (subject to [art. 2\(2\)](#), [Sch. 2](#))

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Recall after release

254 Recall of prisoners while on licence **E+W**

- (1) The Secretary of State may, in the case of any prisoner who has been released on licence under this Chapter, revoke his licence and recall him to prison.
- (2) A person recalled to prison under subsection (1)—
 - (a) may make representations in writing with respect to his recall, and
 - (b) on his return to prison, must be informed of the reasons for his recall and of his right to make representations.
- [^{F129}(2A) The Secretary of State, after considering any representations under subsection (2)(a) or any other matters, may cancel a revocation under this section.
- (2B) The Secretary of State may cancel a revocation under subsection (2A) only if satisfied that the person recalled has complied with all the conditions specified in the licence.
- (2C) Where the revocation of a person's licence is cancelled under subsection (2A), the person is to be treated as if the recall under subsection (1) had not happened.]
- ^{F130}(3)
- ^{F130}(4)
- ^{F130}(5)
- (6) On the revocation of the licence of any person under this section, he shall be liable to be detained in pursuance of his sentence and, if at large, is to be treated as being unlawfully at large.
- (7) Nothing in [^{F131}this section] applies in relation to a person recalled under section 255.

Textual Amendments

- F129** S. 254(2A)-(2C) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 113(1), 151(1)** (with [Sch. 15](#)); [S.I. 2012/2906](#), **art. 2(d)**
- F130** S. 254(3)-(5) repealed (14.7.2008 for certain purposes, otherwise 31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 29(1)(a), 149, 153, Sch. 28 Pt. 2**; [S.I. 2008/1586](#), **art. 2(1)**, [Sch. 1 paras. 15, 50\(2\)\(c\)](#) (subject to [Sch. 2 para. 3](#)); [S.I. 2009/2606](#), **art. 3(c)**
- F131** Words in s. 254(7) substituted (14.7.2008 for certain purposes, otherwise 31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 29(1)(b), 153**; [S.I. 2008/1586](#), **art. 2(1)**, [Sch. 1 para. 15](#) (subject to [Sch. 2 para. 3](#)); [S.I. 2009/2606](#) {**art. 3(c)**}

Commencement Information

- I16** S. 254 wholly in force at 4.4.2005; s. 254 not in force at Royal Assent, see s. 336(3); s. 254 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), **art. 2, Sch.**; s. 254 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#) (as amended by [S.I. 2005/2122](#), **art. 2**))

255 Recall of prisoners released early under section 246 **E+W**

- (1) If it appears to the Secretary of State, as regards a person released on licence under section 246—

*Status: Point in time view as at 01/02/2015. This version of this chapter contains provisions that are prospective.
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- (a) that he has failed to comply with [^{F132}the curfew condition included in the licence], or
 - (b) that his whereabouts can no longer be electronically monitored at the place for the time being specified in the curfew condition included in his licence,
- the Secretary of State may, if the curfew condition is still in force, revoke the licence and recall the person to prison under this section.
- (2) A person whose licence under section 246 is revoked under this section—
 - (a) may make representations in writing with respect to the revocation, and
 - (b) on his return to prison, must be informed of the reasons for the revocation and of his right to make representations.
 - (3) The Secretary of State, after considering any representations under [^{F133}subsection (2) (a)] or any other matters, may cancel a revocation under this section.
 - (4) Where the revocation of a person’s licence is cancelled under subsection (3), the person is to be treated for the purposes of section 246 as if he had not been recalled to prison under this section.
 - (5) On the revocation of a person’s licence under section 246, he is liable to be detained in pursuance of his sentence and, if at large, is to be treated as being unlawfully at large.

Textual Amendments

- F132** Words in s. 255(1)(a) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 9\(3\), 22\(1\)](#) (with [Sch. 7 para. 5](#)); [S.I. 2015/40, art. 2\(i\)](#)
- F133** Words in s. 255(3) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 113\(2\), 151\(1\)](#) (with [Sch. 15](#)); [S.I. 2012/2906, art. 2\(d\)](#)

Commencement Information

- I17** S. 255 wholly in force at 4.4.2005; s. 255 not in force at Royal Assent, see s. 336(3); s. 255 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 255 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 19](#) (subject to [art. 2\(2\), Sch. 2](#))

[^{F134}Further release after recall]

Textual Amendments

- F134** S. 255A-255C and crossheading substituted for s. 255A-255D (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 114\(1\), 151\(1\)](#) (with [Sch. 15](#)); [S.I. 2012/2906, art. 2\(d\)](#)

[^{F134}255A Further release after recall: introductory E+W]

- (1) This section applies for the purpose of identifying which of sections 255B and 255C governs the further release of a person who has been recalled under section 254.
- (2) The Secretary of State must, on recalling a person other than an extended sentence prisoner, consider whether the person is suitable for automatic release.

^{F135}(3)

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- (4) A person is suitable for automatic release only if the Secretary of State is satisfied that the person will not present a risk of serious harm to members of the public if released at the end of [^{F136}the automatic release period].
- (5) The person must be dealt with—
- (a) in accordance with section 255B if suitable for automatic release;
 - (b) in accordance with section 255C otherwise.
- [^{F137}but that is subject, where applicable, to section 243A(2) (unconditional release).]
- (6) For the purposes of this section, a person returns to custody when that person, having been recalled, is detained (whether or not in prison) in pursuance of the sentence.
- (7) An “extended sentence prisoner” is a prisoner serving an extended sentence imposed under—
- (a) section [^{F138}226A, 226B,] 227 or 228 of this Act, or
 - (b) section 85 of the Sentencing Act;
- and paragraph (b) includes (in accordance with paragraph 1(3) of Schedule 11 to the Sentencing Act) a reference to section 58 of the Crime and Disorder Act 1998.]
- [^{F139}(8) Automatic release” means release at the end of the automatic release period.
- (9) In the case of a person recalled under section 254 while on licence under a provision of this Chapter other than section 246, “the automatic release period” means—
- (a) where the person is serving a sentence of less than 12 months, the period of 14 days beginning with the day on which the person returns to custody;
 - (b) where the person is serving a sentence of 12 months or more, the period of 28 days beginning with that day.
- (10) In the case of a person recalled under section 254 while on licence under section 246, “the automatic release period” means whichever of the following ends later—
- (a) the period described in subsection (9)(a) or (b) (as appropriate);
 - (b) the requisite custodial period which the person would have served under section 243A or 244 but for the earlier release.]

Textual Amendments

F135 S. 255A(3) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 9(4)(a)**, 22(1) (with [Sch. 7 para. 5](#)); [S.I. 2015/40](#), art. 2(i)

F136 Words in s. 255A(4) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 9(4)(b)**, 22(1) (with [Sch. 7 para. 5](#)); [S.I. 2015/40](#), art. 2(i)

F137 Words in s. 255A(5) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 9(4)(c)**, 22(1) (with [Sch. 7 para. 5](#)); [S.I. 2015/40](#), art. 2(i)

F138 Words in s. 255A(7)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 20 para. 7**; [S.I. 2012/2906](#), art. 2(r)

F139 Ss. 255A(8)-(10) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 9(4)(d)**, 22(1) (with [Sch. 7 para. 5](#)); [S.I. 2015/40](#), art. 2(i)

[^{F134}255B Automatic release **E+W**

- (1) A prisoner who is suitable for automatic release (“P”) must—

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- (a) on return to prison, be informed that he or she will be released under this section (subject to subsections (8) and (9)), and
 - (b) at the end of [^{F140}the automatic release period (as defined in section 255A(9) and (10))], be released by the Secretary of State on licence under this Chapter (unless P is released before that date under subsection (2) or (5)).
- (2) The Secretary of State may, at any time after P is returned to prison, release P again on licence under this Chapter.
- (3) The Secretary of State must not release P under subsection (2) unless the Secretary of State is satisfied that it is not necessary for the protection of the public that P should remain in prison until the end of the period mentioned in subsection (1)(b).
- (4) If P makes representations under section 254(2) before the end of that period, the Secretary of State must refer P's case to the Board on the making of those representations.
- (5) Where on a reference under subsection (4) the Board directs P's immediate release on licence under this Chapter, the Secretary of State must give effect to the direction.
- (6) Subsection (7) applies if P is recalled before the date on which P would (but for the earlier release) have served the requisite custodial period for the purposes of section 243A or (as the case may be) section 244.
- (7) Where this subsection applies—
- (a) if P is released under this section before that date, P's licence must include a curfew condition complying with section 253, and
 - (b) P is not to be so released (despite subsections (1)(b) and (5)) unless the Secretary of State is satisfied that arrangements are in place to enable that condition to be complied with.
- (8) Subsection (9) applies if, after P has been informed that he or she will be released under this section, the Secretary of State receives further information about P (whether or not relating to any time before P was recalled).
- (9) If the Secretary of State determines, having regard to that and any other relevant information, that P is not suitable for automatic release—
- (a) the Secretary of State must inform P that he or she will not be released under this section, and
 - (b) section 255C applies to P as if the Secretary of State had determined, on P's recall, that P was not suitable for automatic release.]

Textual Amendments

F140 Words in s. 255B(1)(b) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 9\(5\), 22\(1\)](#) (with [Sch. 7 para. 5](#)); [S.I. 2015/40, art. 2\(i\)](#)

^{F134}**255S** Specified offence prisoners and those not suitable for automatic release **E+W**

- (1) This section applies to a prisoner (“P”) who—
- (a) is an extended sentence prisoner, or
 - (b) is not considered to be suitable for automatic release.

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- (2) The Secretary of State may, at any time after P is returned to prison, release P again on licence under this Chapter.
- (3) The Secretary of State must not release P under subsection (2) unless the Secretary of State is satisfied that it is not necessary for the protection of the public that P should remain in prison.
- (4) The Secretary of State must refer P's case to the Board—
 - (a) if P makes representations under section 254(2) before the end of the period of 28 days beginning with the date on which P returns to custody, on the making of those representations, or
 - (b) if, at the end of that period, P has not been released under subsection (2) and has not made such representations, at that time.
- (5) Where on a reference under subsection (4) the Board directs P's immediate release on licence under this Chapter, the Secretary of State must give effect to the direction.
- (6) Subsection (7) applies if P is recalled before the date on which P would (but for the earlier release) have served the requisite custodial period for the purposes of section 243A or (as the case may be) section 244.
- (7) Where this subsection applies—
 - (a) if P is released under this section before that date, P's licence must include a curfew condition complying with section 253, and
 - (b) P is not to be so released (despite subsection (5)) unless the Secretary of State is satisfied that arrangements are in place to enable that condition to be complied with.
- (8) For the purposes of this section, P returns to custody when P, having been recalled, is detained (whether or not in prison) in pursuance of the sentence.]

256 [F141Review by the Board] E+W

- (1) Where on a reference under [F142section 255B(4) or 255C(4)] in relation to any person, the Board does not [F143direct] his immediate release on licence under this Chapter, the Board must either—
 - (a) fix a date for the person's release on licence, or
 - [F144(b) determine the reference by making no [F145direction] as to his release.]
- (2) Any date fixed under subsection (1)(a) ^{F146} . . . must not be later than the first anniversary of the date on which the decision is taken.

^{F147}(3)

- (4) Where the Board has fixed a date under subsection (1)(a), it is the duty of the Secretary of State to release him on licence on that date.

^{F148}(5)

Textual Amendments

F141 S. 256 heading substituted (14.7.2008) by virtue of [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 30\(5\), 153; S.I. 2008/1586, art. 2\(1\), Sch. 1 para. 16](#) (subject to [Sch. 2 para. 3](#))

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- F142** Words in s. 256(1) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. **114(4)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F143** Word in s. 256(1) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. **116(3)(a)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F144** S. 256(1)(b) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. **30(2)**, 153; S.I. 2008/1586, art. **2(1)**, Sch. 1 para. 16 (subject to Sch. 2 para. 3)
- F145** Word in s. 256(1) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. **116(3)(b)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F146** Words in s. 256(2) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 30(3), 149, 153, **Sch. 28 Pt. 2**; S.I. 2008/1586, art. **2(1)**, Sch. 1 paras. 16, 50(2)(c)
- F147** S. 256(3) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 30(4), 149, 153, **Sch. 28 Pt. 2**; S.I. 2008/1586, art. **2(1)**, Sch. 1 paras. 16, 50(2)(c) (subject to Sch. 2 para. 3)
- F148** S. 256(5) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 30(4), 149, 153, **Sch. 28 Pt. 2**; S.I. 2008/1586, art. **2(1)**, Sch. 1 paras. 16, 50(2)(c)

Commencement Information

- I18** S. 256 wholly in force at 4.4.2005; s. 256 not in force at Royal Assent, see s. 336(3); s. 256 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. **2**, Sch.; s. 256 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, art. **2(1)**, Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

[^{F149}256A] Further review **E+W**

- (1) The Secretary of State must, not later than the first anniversary of a determination by the Board under section 256(1) or subsection (4) below, refer the person's case to the Board.
- (2) The Secretary of State may, at any time before that anniversary, refer the person's case to the Board.
- (3) The Board may at any time recommend to the Secretary of State that a person's case be referred under subsection (2).
- (4) On a reference under subsection (1) or (2), the Board must determine the reference by—
 - (a) [^{F150}directing] the person's immediate release on licence under this Chapter,
 - (b) fixing a date for his release on licence, or
 - (c) making no [^{F151}direction] as to his release.
- (5) The Secretary of State—
 - (a) where the Board makes a [^{F152}direction] under subsection (4)(a) for the person's immediate release on licence, must give effect to the [^{F152}direction]; and
 - (b) where the Board fixes a release date under subsection (4)(b), must release the person on licence on that date.]

Textual Amendments

- F149** S. 256A inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. **30(6)**, 153; S.I. 2008/1586, art. **2(1)**, Sch. 1 para. 16 (subject to Sch. 2 para. 3)
- F150** Word in s. 256A(4)(a) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. **116(4)(a)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)

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- F151** Word in s. 256A(4)(c) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 116(4)(b)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F152** Words in s. 256A(5) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 116(4)(c)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)

^{F153}Supervision of offenders

Textual Amendments

- F153** S. 256AA and cross-heading inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 2(2)**, 22(1) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(b)

256AA Supervision after end of sentence of prisoners serving less than 2 years **E+W**

- (1) This section applies where a person (“the offender”) has served a fixed-term sentence which was for a term of more than 1 day but less than 2 years, except where—
 - (a) the offender was aged under 18 on the last day of the requisite custodial period (as defined in section 243A(3)),
 - (b) the sentence was an extended sentence imposed under section 226A or 226B, or
 - (c) the sentence was imposed in respect of an offence committed before the day on which section 2(2) of the Offender Rehabilitation Act 2014 came into force.
- (2) The offender must comply with the supervision requirements during the supervision period, except at any time when the offender is—
 - (a) in legal custody,
 - (b) subject to a licence under this Chapter or Chapter 2 of Part 2 of the 1997 Act, or
 - (c) subject to DTO supervision.
- (3) The supervision requirements are the requirements for the time being specified in a notice given to the offender by the Secretary of State (but see the restrictions in section 256AB).
- (4) “The supervision period” is the period which—
 - (a) begins on the expiry of the sentence, and
 - (b) ends on the expiry of the period of 12 months beginning immediately after the offender has served the requisite custodial period (as defined in section 244(3)).
- (5) The purpose of the supervision period is the rehabilitation of the offender.
- (6) The Secretary of State must have regard to that purpose when specifying requirements under this section.
- (7) The supervisor must have regard to that purpose when carrying out functions in relation to the requirements.
- (8) In this Chapter, “the supervisor”, in relation to a person subject to supervision requirements under this section, means a person who is for the time being responsible for discharging the functions conferred by this Chapter on the supervisor in accordance with arrangements made by the Secretary of State.

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- (9) In relation to a person subject to supervision requirements under this section following a sentence of detention under section 91 of the Sentencing Act, the supervisor must be—
- (a) an officer of a provider of probation services, or
 - (b) a member of the youth offending team established by the local authority in whose area the offender resides for the time being.
- (10) In relation to any other person, the supervisor must be an officer of a provider of probation services.
- (11) In this section “DTO supervision” means supervision under—
- (a) a detention and training order (including an order under section 211 of the Armed Forces Act 2006), or
 - (b) an order under section 104(3)(aa) of the Powers of Criminal Courts (Sentencing) Act 2002 (breach of supervision requirements of detention and training order).
- (12) This section has effect subject to section 264(3C)(b) and (3D).]

Modifications etc. (not altering text)

- C13** Ss. 256AA-256E applied (with modifications) by 1997 c. 43, Sch. 1 para. 8(2)(4)(8)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), para. 3(3), (5), s. 22(1), **Sch. 3 para. 3(2)** (with [Sch. 7 para. 2](#))); S.I. 2015/40, art. 2(u))
- C14** Ss. 256AA-256AC applied (with modifications) by 1997 c. 43, Sch. 1 para. 9(2)(4)(9)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 5(5)** (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u))
- C15** S. 256AA(2)-(11) applied (with modifications) by 2000 c. 6, s. 106B(2)-(7) (as inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 6(4)**, 22(1) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(f))

[^{F154}256AB] Supervision requirements under section 256AA E+W

- (1) The only requirements that the Secretary of State may specify in a notice under section 256AA are—
- (a) a requirement to be of good behaviour and not to behave in a way which undermines the purpose of the supervision period;
 - (b) a requirement not to commit any offence;
 - (c) a requirement to keep in touch with the supervisor in accordance with instructions given by the supervisor;
 - (d) a requirement to receive visits from the supervisor in accordance with instructions given by the supervisor;
 - (e) a requirement to reside permanently at an address approved by the supervisor and to obtain the prior permission of the supervisor for any stay of one or more nights at a different address;
 - (f) a requirement not to undertake work, or a particular type of work, unless it is approved by the supervisor and to notify the supervisor in advance of any proposal to undertake work or a particular type of work;
 - (g) a requirement not to travel outside the British Islands, except with the prior permission of the supervisor or in order to comply with a legal obligation (whether or not arising under the law of any part of the British Islands);

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- (h) a requirement to participate in activities in accordance with any instructions given by the supervisor;
 - (i) a drug testing requirement (see section 256D);
 - (j) a drug appointment requirement (see section 256E).
- (2) Where a requirement is imposed under subsection (1)(h), section 200A (5) to (10) apply in relation to the requirement (reading references to the responsible officer as references to the supervisor).
- (3) Paragraphs (i) and (j) of subsection (1) have effect subject to the restrictions in sections 256D(2) and 256E(2).
- (4) The Secretary of State may by order—
- (a) add requirements that may be specified in a notice under section 256AA,
 - (b) remove or amend such requirements,
 - (c) make provision about such requirements, including about the circumstances in which they may be imposed, and
 - (d) make provision about instructions given for the purposes of such requirements.
- (5) An order under subsection (4) may amend this Act.
- (6) In this section “work” includes paid and unpaid work.]

Textual Amendments

F154 S. 256AB inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 1 para. 1](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(s)

Modifications etc. (not altering text)

C13 Ss. 256AA-256E applied (with modifications) by 1997 c. 43, Sch. 1 para. 8(2)(4)(8)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), para. 3(3), (5), s. 22(1), [Sch. 3 para. 3\(2\)](#) (with [Sch. 7 para. 2](#))); S.I. 2015/40, art. 2(u))

C14 Ss. 256AA-256AC applied (with modifications) by 1997 c. 43, Sch. 1 para. 9(2)(4)(9)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 5\(5\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u))

C16 S. 256AB applied (with modifications) by 2000 c. 6, s. 106B(2)-(7) (as inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 6\(4\)](#), 22(1) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(f))

[^{F155}**256AG** **Enforcement of supervision requirements imposed under section 256AA** **E+W**]

- (1) Where it appears on information to a justice of the peace that a person has failed to comply with a supervision requirement imposed under section 256AA, the justice may—
- (a) issue a summons requiring the offender to appear at the place and time specified in the summons, or
 - (b) if the information is in writing and on oath, issue a warrant for the offender's arrest.
- (2) Any summons or warrant issued under this section must direct the person to appear or be brought—

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- (a) before a magistrates' court acting for the local justice area in which the offender resides, or
 - (b) if it is not known where the person resides, before a magistrates' court acting for the same local justice area as the justice who issued the summons or warrant.
- (3) Where the person does not appear in answer to a summons issued under subsection (1)(a), the court may issue a warrant for the person's arrest.
- (4) If it is proved to the satisfaction of the court that the person has failed without reasonable excuse to comply with a supervision requirement imposed under section 256AA, the court may—
- (a) order the person to be committed to prison for a period not exceeding 14 days (subject to subsection (7)),
 - (b) order the person to pay a fine not exceeding level 3 on the standard scale, or
 - (c) make an order (a “supervision default order”) imposing on the person—
 - (i) an unpaid work requirement (as defined by section 199), or
 - (ii) a curfew requirement (as defined by section 204).
- (5) Section 177(3) (obligation to impose electronic monitoring requirement) applies in relation to a supervision default order that imposes a curfew requirement as it applies in relation to a community order that imposes such a requirement.
- (6) If the court deals with the person under subsection (4), it must revoke any supervision default order which is in force at that time in respect of that person.
- (7) Where the person is under the age of 21—
- (a) an order under subsection (4)(a) in respect of the person must be for committal to a young offender institution instead of to prison, but
 - (b) the Secretary of State may from time to time direct that a person committed to a young offender institution by such an order is to be detained in a prison or remand centre instead.
- (8) A person committed to prison or a young offender institution by an order under subsection (4)(a) is to be regarded as being in legal custody.
- (9) A fine imposed under subsection (4)(b) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.
- (10) In Schedule 19A (supervision default orders)—
- (a) Part 1 makes provision about requirements of supervision default orders, and
 - (b) Part 2 makes provision about the breach, revocation and amendment of supervision default orders.
- (11) A person dealt with under this section may appeal to the Crown Court against the order made by the court.]

Textual Amendments

F155 S. 256AC inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 3(1), 22(1)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), **art. 2(c)**

Status: Point in time view as at 01/02/2015. This version of this chapter contains provisions that are prospective.
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Modifications etc. (not altering text)

- C13** Ss. 256AA-256E applied (with modifications) by 1997 c. 43, Sch. 1 para. 8(2)(4)(8)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), para. 3(3), (5), s. 22(1), [Sch. 3 para. 3\(2\)](#) (with [Sch. 7 para. 2](#))); S.I. 2015/40, art. 2(u))
- C14** Ss. 256AA-256AC applied (with modifications) by 1997 c. 43, Sch. 1 para. 9(2)(4)(9)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 5\(5\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u))
- C17** S. 256AC applied (with modifications) by 2000 c. 6, s. 106B(2)-(7) (as inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 6\(4\)](#), 22(1) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(f))

F156 *F157* ...

Textual Amendments

- F156** S. 256B cross-heading omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 19](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F157** Ss. 256B, 256C and cross-heading inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 115](#), 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)

256B ^[F158] Supervision after release of certain young offenders serving less than 12 months] **E+W**

- [^{F159}(1) This section applies where a person (“the offender”) is released under this Chapter if—
- (a) the person is, at the time of the release, serving a sentence of detention under section 91 of the Sentencing Act which is for a term of less than 12 months, and
 - (b) the person is aged under 18 on the last day of the requisite custodial period (as defined in section 243A(3)).
- (1A) This section also applies where a person (“the offender”) is released under this Chapter if—
- (a) the person is, at the time of the release, serving a sentence of detention under section 91 or 96 of the Sentencing Act which is for a term of less than 12 months, and
 - (b) the sentence was imposed in respect of an offence committed before the day on which section 1 of the Offender Rehabilitation Act 2014 came into force.]
- (2) The offender is to be under the supervision of—
- (a) an officer of a provider of probation services,
 - (b) a social worker of a local authority, or
 - (c) ^{F160}... a member of the youth offending team.
- (3) Where the supervision is to be provided by an officer of a provider of probation services, the officer must be an officer acting in the local justice area in which the offender resides for the time being.
- (4) Where the supervision is to be provided by—
- (a) a social worker of a local authority, or
 - (b) a member of a youth offending team,

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the social worker or member must be a social worker of, or a member of a youth offending team established by, the local authority within whose area the offender resides for the time being.

- (5) The supervision period begins on the offender's release and ends three months later (whether or not the offender is detained under section 256C or otherwise during that period).
- (6) During the supervision period, the offender must comply with such requirements, if any, as may for the time being be specified in a notice from the Secretary of State.
- (7) The requirements that may be specified in a notice under subsection (6) include—
 - (a) requirements for securing the electronic monitoring of the offender's compliance with any other requirements specified in the notice;
 - (b) requirements for securing the electronic monitoring of the offender's whereabouts (otherwise than for the purpose of securing compliance with requirements specified in the notice);
 - [^{F161}(c) where the offender is aged 18 or over—
 - (i) drug testing requirements (see section 256D);
 - (ii) drug appointment requirements (see section 256E).]

[Paragraph (c)(i) and (ii) of subsection (7) have effect subject to the restrictions in ^{F162}(7A) sections 256D(2) and 256E(2).]

^{F163}(8)

[^{F164}(9) The Secretary of State may make rules about the requirements that may be imposed by virtue of subsection (7)(a) or (b).]

^{F165}(10)

Textual Amendments

- F158** S. 256B heading substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 20** (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F159** S. 256B(1)(1A) substituted for s. 256B(1) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 4(2), 22(1)** (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(d)
- F160** Words in s. 256B(2)(c) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 4(3), 22(1)** (with [Sch. 7 para. 3](#)); S.I. 2015/40, art. 2(d)
- F161** S. 256B(7)(c) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 4(4)(a), 22(1)** (with [Sch. 7 para. 3](#)); S.I. 2015/40, art. 2(d)
- F162** S. 256B(7A) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 4(5), 22(1)** (with [Sch. 7 para. 3](#)); S.I. 2015/40, art. 2(d)
- F163** S. 256B(8) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 4(6), 22(1)** (with [Sch. 7 para. 3](#)); S.I. 2015/40, art. 2(d)
- F164** S. 256B(9) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 4(7), 22(1)** (with [Sch. 7 para. 3](#)); S.I. 2015/40, art. 2(d)
- F165** S. 256B(10) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 4(8), 22(1)** (with [Sch. 7 para. 3](#)); S.I. 2015/40, art. 2(d)

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Modifications etc. (not altering text)

C13 Ss. 256AA-256E applied (with modifications) by 1997 c. 43, Sch. 1 para. 8(2)(4)(8)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), para. 3(3), (5), s. 22(1), [Sch. 3 para. 3\(2\)](#) (with Sch. 7 para. 2)); S.I. 2015/40, art. 2(u)

256C Breach of supervision requirements [F166: imposed under section 256B] E+W

- (1) Where an offender is under supervision under section 256B and it appears on information to a justice of the peace that the offender has failed to comply with requirements under section 256B(6), the justice may—
 - (a) issue a summons requiring the offender to appear at the place and time specified in the summons, or
 - (b) if the information is in writing and on oath, issue a warrant for the offender's arrest.
- (2) Any summons or warrant issued under this section must direct the offender to appear or be brought—
 - (a) before a court acting for the local justice area in which the offender resides, or
 - (b) if it is not known where the offender resides, before a court acting for same local justice area as the justice who issued the summons or warrant.
- (3) Where the offender does not appear in answer to a summons issued under subsection (1)(a), the court may issue a warrant for the offender's arrest.
- (4) If it is proved to the satisfaction of the court that the offender has failed to comply with requirements under section 256B(6), the court may—
 - (a) order the offender to be detained, in prison or such youth detention accommodation as the Secretary of State may determine, for such period, not exceeding 30 days, as the court may specify, or
 - (b) [F167: order the offender to pay] a fine not exceeding level 3 on the standard scale.
- (5) An offender detained in pursuance of an order under subsection (4)(a) is to be regarded as being in legal custody.
- (6) A fine imposed under subsection (4)(b) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.
- (7) An offender may appeal to the Crown Court against any order made under subsection (4)(a) or (b).
- (8) In this section “court” means—
 - (a) if the offender has attained the age of 18 years at the date of release, a magistrates' court other than a youth court;
 - (b) if the offender is under the age of 18 years at the date of release, a youth court.]

Textual Amendments

F166 Words in s. 256C heading inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 22](#) (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)

F167 Words in s. 256C(4)(b) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 21](#) (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)

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Modifications etc. (not altering text)

- C13** Ss. 256AA-256E applied (with modifications) by 1997 c. 43, Sch. 1 para. 8(2)(4)(8)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), para. 3(3), (5), s. 22(1), **Sch. 3 para. 3(2)** (with Sch. 7 para. 2)); S.I. 2015/40, art. 2(u))

[^{F168}256D] Drug testing requirements E+W

- (1) “Drug testing requirement”, in relation to an offender subject to supervision under this Chapter, means a requirement that, when instructed to do so by the supervisor, the offender provide a sample mentioned in the instruction for the purpose of ascertaining whether the offender has a specified Class A drug or a specified Class B drug in his or her body.
- (2) A drug testing requirement may be imposed on an offender subject to supervision under this Chapter only if—
 - (a) the Secretary of State is satisfied of the matters in subsection (3), and
 - (b) the requirement is being imposed for the purpose of determining whether the offender is complying with any other supervision requirement.
- (3) Those matters are—
 - (a) that the misuse by the offender of a specified class A drug or a specified class B drug caused or contributed to an offence of which the offender has been convicted or is likely to cause or contribute to the commission of further offences by the offender, and
 - (b) that the offender is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug.
- (4) An instruction given for the purpose of a drug testing requirement must be given in accordance with guidance given from time to time by the Secretary of State.
- (5) The Secretary of State may make rules regulating the provision of samples in accordance with such an instruction.
- (6) In this section, “specified Class A drug” and “specified Class B drug” have the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000.

Textual Amendments

- F168** Ss. 256D, 256E inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 1 para. 2** (with Sch. 7 para. 3); S.I. 2015/40, art. 2(s))

Modifications etc. (not altering text)

- C13** Ss. 256AA-256E applied (with modifications) by 1997 c. 43, Sch. 1 para. 8(2)(4)(8)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), para. 3(3), (5), s. 22(1), **Sch. 3 para. 3(2)** (with Sch. 7 para. 2)); S.I. 2015/40, art. 2(u))
- C18** S. 256D applied (with modifications) by 2000 c. 6, s. 106B(2)-(7) (as inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 6(4), 22(1)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(f))
- C19** S. 256D applied (with modifications) by 1997 c. 43, Sch. 1 para. 9(2)(4)(9)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 5(5)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u))

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256E Drug appointment requirements **E+W**

- (1) “Drug appointment requirement”, in relation to an offender subject to supervision under this Chapter, means a requirement that the offender, in accordance with instructions given by the supervisor, attend appointments with a view to addressing the offender's dependency on, or propensity to misuse, a controlled drug.
- (2) A drug appointment requirement may be imposed on an offender subject to supervision under this Chapter only if—
 - (a) the supervisor has recommended to the Secretary of State that such a requirement be imposed on the offender, and
 - (b) the Secretary of State is satisfied of the matters in subsection (3).
- (3) Those matters are—
 - (a) that the misuse by the offender of a controlled drug caused or contributed to an offence of which the offender has been convicted or is likely to cause or contribute to the commission of further offences by the offender,
 - (b) that the offender is dependent on, or has a propensity to misuse, a controlled drug,
 - (c) that the dependency or propensity requires, and may be susceptible to, treatment, and
 - (d) that arrangements have been made, or can be made, for the offender to have treatment.
- (4) The requirement must specify—
 - (a) the person with whom the offender is to meet or under whose direction the appointments are to take place, and
 - (b) where the appointments are to take place.
- (5) The person specified under subsection (4)(a) must be a person who has the necessary qualifications or experience.
- (6) The only instructions that the supervisor may give for the purposes of the requirement are instructions as to—
 - (a) the duration of each appointment, and
 - (b) when each appointment is to take place.
- (7) For the purposes of this section, references to a requirement to attend an appointment do not include a requirement to submit to treatment.
- (8) In this section, “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.]

Textual Amendments

F168 Ss. 256D, 256E inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 1 para. 2](#) (with [Sch. 7 para. 3](#)); [S.I. 2015/40](#), art. 2(s)

Modifications etc. (not altering text)

C13 Ss. 256AA-256E applied (with modifications) by 1997 c. 43, Sch. 1 para. 8(2)(4)(8)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), para. 3(3), (5), s. 22(1), [Sch. 3 para. 3\(2\)](#) (with [Sch. 7 para. 2](#))); [S.I. 2015/40](#), art. 2(u)

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- C20** S. 256E applied (with modifications) by 2000 c. 6, s. 106B(2)-(7) (as inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 6(4), 22(1)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(f\)](#))
- C21** S. 256E applied (with modifications) by 1997 c. 43, Sch. 1 para. 9(2)(4)(9)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [s. 22\(1\)](#), **Sch. 3 para. 5(5)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(u\)](#))

Additional days

257 Additional days for disciplinary offences E+W

- (1) Prison rules, that is to say, rules made under section 47 of the Prison Act 1952 (c. 52), may include provision for the award of additional days—
- (a) to fixed-term prisoners, or
 - (b) conditionally on their subsequently becoming such prisoners, to persons on remand,
- who (in either case) are guilty of disciplinary offences.
- (2) Where additional days are awarded to a fixed-term prisoner, or to a person on remand who subsequently becomes such a prisoner, and are not remitted in accordance with prison rules—
- (a) any period which he must serve before becoming entitled to or eligible for release under this Chapter,
 - (b) any period which he must serve before he can be removed from prison under section 260, and
 - (c) any period for which a licence granted to him under this Chapter remains in force,
- is extended by the aggregate of those additional days.

Commencement Information

- I19** S. 257 partly in force; s. 257 not in force at Royal Assent, see s. 336(3); s. 257 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), **art. 2**, [Sch.](#); s. 257(1) in force at 7.3.2005 by [S.I. 2005/373](#), **art. 2**; s. 257(1)(2)(a)(b) in force at 4.4.2005 by [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))
- I20** S. 257(2)(c) in force at 3.12.2012 for specified purposes by [S.I. 2012/2905](#), **art. 2**

Fine defaulters and contemnors

258 Early release of fine defaulters and contemnors E+W

- (1) This section applies in relation to a person committed to prison—
- (a) in default of payment of a sum adjudged to be paid by a conviction, or
 - (b) for contempt of court or any kindred offence.
- (2) As soon as a person to whom this section applies has served one-half of the term for which he was committed, it is the duty of the Secretary of State to release him unconditionally.

[^{F169}(2A) Subsection (2) is subject to paragraph 35 of Schedule 20B (transitional cases).]

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- (3) Where a person to whom this section applies is also serving one or more sentences of imprisonment, nothing in this section [^{F170}or in paragraph 35 of Schedule 20B] requires the Secretary of State to release him until he is also required to release him in respect of that sentence or each of those sentences.
- [^{F171}(3A) The reference in subsection (3) to sentences of imprisonment includes sentences of detention under section 91 or 96 of the Sentencing Act or under section [^{F172}226A, 226B,] 227 or 228 of this Act.]
- (4) The Secretary of State may at any time release unconditionally a person to whom this section applies if he is satisfied that exceptional circumstances exist which justify the person's release on compassionate grounds.

Textual Amendments

- F169** S. 258(2A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 17 para. 5\(2\)](#); S.I. 2012/2906, art. 2(o)
- F170** Words in s. 258(3) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 17 para. 5\(3\)](#); S.I. 2012/2906, art. 2(o)
- F171** S. 258(3A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 117\(6\), 151\(1\) \(with Sch. 15\)](#); S.I. 2012/2906, art. 2(d)
- F172** Words in s. 258(3A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 20 para. 8](#); S.I. 2012/2906, art. 2(r)

Modifications etc. (not altering text)

- C22** S. 258 extended (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 121\(2\), 151\(1\)](#); S.I. 2012/2906, art. 2(d)

Commencement Information

- I21** S. 258 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Persons liable to removal from the United Kingdom

259 **Persons liable to removal from the United Kingdom** **E+W**

For the purposes of this Chapter a person is liable to removal from the United Kingdom if—

- (a) he is liable to deportation under section 3(5) of the Immigration Act 1971 (c. 77) and has been notified of a decision to make a deportation order against him,
- (b) he is liable to deportation under section 3(6) of that Act,
- (c) he has been notified of a decision to refuse him leave to enter the United Kingdom,
- (d) he is an illegal entrant within the meaning of section 33(1) of that Act, or
- (e) he is liable to removal under section 10 of the Immigration and Asylum Act 1999 (c. 33).

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Commencement Information

I22 S. 259 wholly in force at 4.4.2005; s. 259 not in force at Royal Assent, see s. 336(3); s. 259 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, art. 2, Sch.; s. 259 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, art. 2(1), Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

PROSPECTIVE

[^{F173}259A] Persons eligible for removal from the United Kingdom E+W

- (1) For the purposes of this Chapter, to be “eligible for removal from the United Kingdom” a person must show, to the satisfaction of the Secretary of State, that the condition in subsection (2) is met.
- (2) The condition is that the person has the settled intention of residing permanently outside the United Kingdom if removed from prison under section 260.
- (3) The person must not be one who is liable to removal from the United Kingdom.]

Textual Amendments

F173 S. 259A inserted (prosp.) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 34(2), 153

260 Early removal of prisoners liable to removal from United Kingdom E+W

- (1) [^{F174}subsection (2)], where a fixed-term prisoner is liable to removal from the United Kingdom, the Secretary of State may remove him from prison under this section at any time during the period of [^{F175}270] days ending with the day on which the prisoner will have served the requisite custodial period.
- [^{F176}(2) Subsection (1) does not apply in relation to a prisoner unless he has served at least one-half of the requisite custodial period.]
- [^{F177}(2A) If a fixed-term prisoner serving an extended sentence imposed under section 226A or 226B—
 - (a) is liable to removal from the United Kingdom, and
 - (b) has not been removed from prison under this section during the period mentioned in subsection (1),
 the Secretary of State may remove the prisoner from prison under this section at any time after the end of that period.
- (2B) Subsection (2A) applies whether or not the Board has directed the prisoner's release under section 246A.]
- [^{F178}(3)
- [^{F179}(3A)
- (4) A prisoner removed from prison under this section—
 - (a) is so removed only for the purpose of enabling the Secretary of State to remove him from the United Kingdom under powers conferred by—

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- (i) Schedule 2 or 3 to the Immigration Act 1971, or
 - (ii) section 10 of the Immigration and Asylum Act 1999 (c. 33), and
 - (b) so long as remaining in the United Kingdom, remains liable to be detained in pursuance of his sentence until he has served the requisite custodial period.
- (5) So long as a prisoner removed from prison under this section remains in the United Kingdom but has not been returned to prison, any duty or power of the Secretary of State under section [F180 243A,] 244[F181, 246A][F182, 247] or 248 is exercisable in relation to him as if he were in prison.
- (6) The Secretary of State may by order—
- (a) amend the number of days for the time being specified in subsection (1) ^{F183} ... ,
^{F184}(b)
 - (c) amend the fraction for the time being specified in [F185 subsection (2)].
- [F186(7) In this section “requisite custodial period”—
- [F187(z) in relation to a prisoner serving an extended sentence imposed under section 226A or 226B, has the meaning given by paragraph (a) or (b) of the definition in section 246A(8);]
 - (a) in relation to a prisoner serving an extended sentence imposed under section 227 or 228, means one-half of the appropriate custodial term (determined by the court under that section);
 - (b) in any other case, has the meaning given by [F188 paragraph (a) or (b) of section 243A(3) or (as the case may be)] paragraph (a) ^{F189} ... or (d) of section 244(3).]
- [F190(8) Paragraphs 36 and 37 of Schedule 20B (transitional cases) make further provision about early removal of certain prisoners.]

Textual Amendments

- F174** Words in s. 260(1) substituted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 34\(4\)\(a\), 153; S.I. 2008/2712, art. 2, Sch. para. 5](#) (subject to arts. 3, 4)
- F175** Word in s. 260(1) substituted (7.4.2008) by [The Early Removal of Fixed-Term Prisoners \(Amendment of Eligibility Period\) Order 2008 \(S.I. 2008/978\), art. 2](#)
- F176** S. 260(2) substituted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 34\(5\), 153; S.I. 2008/2712, art. 2, Sch. para. 5](#) (subject to arts. 3, 4)
- F177** S. 260(2A)(2B) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 20 para. 9\(2\); S.I. 2012/2906, art. 2\(r\)](#)
- F178** S. 260(3) repealed (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 34\(6\), 149, 153, Sch. 28 Pt. 2; S.I. 2008/2712, art. 2, Sch. paras. 5, 19\(2\)\(b\)](#) (subject to arts. 3, 4)
- F179** S. 260(3A) repealed (31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 34\(6\), 149, 153\(7\), Sch. 28 Pt. 2; S.I. 2009/2606, art. 3\(j\)\(i\)](#)
- F180** Words in s. 260(5) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 11\(a\); S.I. 2012/2906, art. 2\(l\)](#)
- F181** Words in s. 260(5) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 20 para. 9\(3\); S.I. 2012/2906, art. 2\(r\)](#)
- F182** Words in s. 260(5) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 116\(5\), 151\(1\) \(with Sch. 15\); S.I. 2012/2906, art. 2\(d\)](#)
- F183** Words in s. 260(6)(a) repealed (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 34\(8\)\(a\), 149, 153, Sch. 28 Pt. 2; S.I. 2008/2712, art. 2, Sch. paras. 5, 19\(2\)\(b\)](#) (subject to arts. 3, 4)

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- F184** S. 260(6)(b) repealed (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 34(8)(b), 149, 153, **Sch. 28 Pt. 2**; S.I. 2008/2712, **art. 2**, Sch. paras. 5, 19(2)(b) (subject to arts. 3, 4)
- F185** Words in s. 260(6)(c) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. **34(8)(c)**, 153; S.I. 2008/2712, **art. 2**, Sch. para. 5 (subject to arts. 3, 4)
- F186** S. 260(7) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. **34(9)**, 153; S.I. 2008/2712, **art. 2**, Sch. para. 5 (subject to arts. 3, 4)
- F187** S. 260(7)(za) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 9(4)**; S.I. 2012/2906, art. 2(r)
- F188** Words in s. 260(7) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 11(b)**; S.I. 2012/2906, art. 2(l)
- F189** Words in s. 260(7) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 29**; S.I. 2012/2906, art. 2(h)
- F190** S. 260(8) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 17 para. 6**; S.I. 2012/2906, art. 2(o)

Commencement Information

- I23** S. 260 wholly in force at 4.4.2005; s. 260 not in force at Royal Assent, see s. 336(3); s. 260(6) in force at 7.3.2005 by S.I. 2005/373, **art. 2**; s. 260 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

261 Re-entry into United Kingdom of offender removed from prison early E+W

- (1) This section applies in relation to a person who, after being removed from prison under section 260, has been removed from the United Kingdom before he has served the requisite custodial period.
- (2) If a person to whom this section applies enters the United Kingdom at any time before his sentence expiry date, he is liable to be detained in pursuance of his sentence from the time of his entry into the United Kingdom until whichever is the earlier of the following—
 - (a) the end of a period (“the further custodial period”) beginning with that time and equal in length to the outstanding custodial period, and
 - (b) his sentence expiry date.
- (3) A person who is liable to be detained by virtue of subsection (2) is, if at large, to be taken for the purposes of section 49 of the Prison Act 1952 (c. 52) (persons unlawfully at large) to be unlawfully at large.
- (4) Subsection (2) does not prevent the further removal from the United Kingdom of a person falling within that subsection.
- (5) Where, in the case of a person returned to prison by virtue of subsection (2), the further custodial period ends before the sentence expiry date, ^[F191]—
 - (a) if the person is serving an extended sentence imposed under section 227 or 228, section 247 has effect in relation to that person as if the reference to one-half of the appropriate custodial term were a reference to the further custodial period;
 - (b) in any other case, ^[F192]section 243A^[F193], 244 or 246A] (as the case may be)] has effect in relation to him as if the reference to the requisite custodial period were a reference to the further custodial period.
- (6) In this section—

“further custodial period” has the meaning given by subsection (2)(a);

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“outstanding custodial period”, in relation to a person to whom this section applies, means the period beginning with the date of his removal from the United Kingdom and ending with the date on which he would, but for his removal, have served the requisite custodial period;

“requisite custodial period” [F194—

- (za) [F195: in relation to a prisoner serving an extended sentence imposed under section 226A or 226B, has the meaning given by paragraph (a) or (b) of the definition in section 246A(8);]
- (b) in relation to a prisoner serving an extended sentence imposed under section 227 or 228, means one-half of the appropriate custodial term (determined by the court under that section);
- (c) in any other case,] has the meaning given by [F196 paragraph (a) or (b) of section 243A(3) or (as the case may be)] paragraph (a) [F197 ... or (d) of section 244(3);

“sentence expiry date”, in relation to a person to whom this section applies, means the date on which, but for his [F198 release from prison and] removal from the United Kingdom, he would have [F199 served the whole of the sentence].

Textual Amendments

- F191** Words in s. 261(5) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 116(6), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F192** Words in s. 261(5) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 12(2)**; S.I. 2012/2906, art. 2(l)
- F193** Words in s. 261(5)(b) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 10(2)**; S.I. 2012/2906, art. 2(r)
- F194** Words in s. 261(6) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 116(7), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F195** S. 261(6)(za) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 10(3)**; S.I. 2012/2906, art. 2(r)
- F196** Words in s. 261(6) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 12(3)(a)**; S.I. 2012/2906, art. 2(l)
- F197** Words in s. 261(6) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 30**; S.I. 2012/2906, art. 2(h)
- F198** Words in s. 261(6) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 12(3)(b)(i)**; S.I. 2012/2906, art. 2(l)
- F199** Words in s. 261(6) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 12(3)(b)(ii)**; S.I. 2012/2906, art. 2(l)

Commencement Information

- I24** S. 261 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 19 (subject to **art. 2(2)**, Sch. 2)

^{F200}**262 Prisoners liable to removal from United Kingdom: modifications of Criminal Justice Act 1991** **E+W**

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Textual Amendments

F200 S. 262 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 16 para. 16](#); S.I. 2012/2906, art. 2(n)

Consecutive or concurrent terms

263 Concurrent terms **E+W**

- (1) This section applies where—
- (a) a person (“the offender”) has been sentenced ^{F201} . . . to two or more terms of imprisonment which are wholly or partly concurrent, and
 - (b) the sentences were passed on the same occasion or, where they were passed on different occasions, the person has not been released under this Chapter at any time during the period beginning with the first and ending with the last of those occasions.
- (2) Where this section applies—
- (a) nothing in this Chapter requires the Secretary of State to release the offender in respect of any of the terms unless and until he is required to release him in respect of each of the others,
 - ^{F202}(aa) the offender's release is to be unconditional if section 243A so requires in respect of each of the sentences (and in any other case is to be on licence),
 - (b) [^{F203}section 246] does not authorise the Secretary of State to release him on licence under that section in respect of any of the terms unless and until that section authorises the Secretary of State to do so in respect of each of the others [^{F204}to which that section applies],
 - (c) on and after his release under this Chapter [^{F205}(unless that release is unconditional)] the offender is to be on licence^{F206}—
 - (i) until the last date on which the offender is required to be on licence in respect of any of the terms, and
 - (ii) subject to such conditions as are] required by this Chapter in respect of any of the sentences.
- ^{F207}(3)
- (4) In this section “term of imprisonment” includes a determinate sentence of detention under section 91 [^{F208}or 96] of the Sentencing Act or under section [^{F209}226A, 226B,]^{F210}227 or] 228 of this Act.
- ^{F211}(5) This section is subject to paragraphs 21, 31 and 32 of Schedule 20B (transitional cases).]

Textual Amendments

F201 Words in s. 263(1)(a) repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), ss. 378, 383, [Sch. 16 para. 226](#), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

F202 S. 263(2)(aa) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 14 para. 13\(a\)](#); S.I. 2012/2906, art. 2(l)

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- F203** Words in s. 263(2)(b) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 116(8)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F204** Words in s. 263(2)(b) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 13(b)**; S.I. 2012/2906, art. 2(l)
- F205** Words in s. 263(2)(c) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 13(c)**; S.I. 2012/2906, art. 2(l)
- F206** Words in s. 263(2)(c) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 116(9)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F207** S. 263(3) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 31**; S.I. 2012/2906, art. 2(h)
- F208** Words in s. 263(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 117(7)(a)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F209** Words in s. 263(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 11**; S.I. 2012/2906, art. 2(r)
- F210** Words in s. 263(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 117(7)(b)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F211** S. 263(5) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 17 para. 7**; S.I. 2012/2906, art. 2(o)

Commencement Information

- I25** S. 263 wholly in force at 4.4.2005; s. 263 not in force at Royal Assent, see s. 336(3); s. 263 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2, Sch.**; s. 263 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

264 Consecutive terms **E+W**

- (1) This section applies where—
 - (a) a person (“the offender”) has been sentenced to two or more terms of imprisonment which are to be served consecutively on each other, and
 - (b) the sentences were passed on the same occasion or, where they were passed on different occasions, the person has not been released under this Chapter at any time during the period beginning with the first and ending with the last of those occasions, ^{F212}...
 - ^{F212}(c)

- (2) Nothing in this Chapter requires the Secretary of State to release the offender ^{F213}... until he has served a period equal in length to the aggregate of the length of the custodial periods in relation to each of the terms of imprisonment.

- ^{F214}(3B) The offender's release under this Chapter is to be unconditional if—
 - (a) the aggregate length of the terms of imprisonment is less than 12 months, and
 - (b) section 243A so requires in respect of each of the sentences, but in any other case is to be on licence.

- (3C) If the offender is released on licence under this Chapter—
 - (a) the offender is to be on licence, on and after the release, until the offender would, but for the release, have served a term equal in length to the aggregate length of the terms of imprisonment (but see section 264B);
 - (b) the offender is to be subject to supervision requirements under section 256AA if (and only if)—

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- (i) section 256AA so requires in respect of one or more of the sentences,
and
- (ii) the aggregate length of the terms of imprisonment is less than 2 years.
- (3D) If the offender is subject to supervision requirements under section 256AA, the supervision period for the purposes of that section begins on the expiry of the period during which the offender is on licence by virtue of subsection (3C)(a).
- (3E) When the offender is released under this Chapter (whether unconditionally or on licence), the offender is to be subject to supervision requirements under section 256B if that section so requires in respect of one or more of the sentences.]
- ^{F215}(4)
- ^{F215}(5)
- (6) In this section—
- (a) “custodial period”—
- [^{F216}(zi) in relation to an extended sentence imposed under section 226A or 226B, means two-thirds of the appropriate custodial term determined by the court under that section,]
- (i) in relation to an extended sentence imposed under section 227 or 228, means [^{F217}one-half of] the appropriate custodial term determined under that section,
- (ii) in relation to [^{F218}any other sentence] , means one-half of [^{F219}the sentence], ^{F220} ...
- ^{F220}(iii)
- ^{F221}(b)
- (7) This section applies to a determinate sentence of detention under section 91 [^{F222}or 96] of the Sentencing Act or under section [^{F223}226A, 226B,][^{F224}227 or] 228 of this Act as it applies to a term of imprisonment ^{F225}
- ^{F226}(8) This section is subject to paragraphs 21, 22, 31, 32 and 33 of Schedule 20B (transitional cases).]

Textual Amendments

- F212** S. 264(1)(c) and preceding word omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 32\(2\)](#); S.I. 2012/2906, art. 2(h)
- F213** Words in s. 264(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 14\(a\)](#); S.I. 2012/2906, art. 2(l)
- F214** S. 264(3B)-(3E) substituted for s. 264(3)(3A) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 5\(2\), 22\(1\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(e)
- F215** S. 264(4)(5) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 14\(d\)](#); S.I. 2012/2906, art. 2(l)
- F216** S. 264(6)(a)(zi) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 20 para. 12\(2\)](#); S.I. 2012/2906, art. 2(r)
- F217** Words in s. 264(6)(a)(i) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 148, 153](#), [Sch. 26 para. 71](#); S.I. 2008/1586, [art. 2\(1\)](#), [Sch. 1 para. 48\(a\)](#) (subject to [art. 2\(3\)](#), [Sch. 2 para. 2](#))
- F218** Words in s. 264(6)(a)(ii) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 14\(e\)\(i\)](#); S.I. 2012/2906, art. 2(l)

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- F219** Words in s. 264(6)(a)(ii) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 14\(e\)\(ii\)](#); S.I. 2012/2906, art. 2(l)
- F220** S. 264(6)(a)(iii) and preceding word omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 32\(3\)\(a\)](#); S.I. 2012/2906, art. 2(h)
- F221** S. 264(6)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 32\(3\)\(b\)](#); S.I. 2012/2906, art. 2(h)
- F222** Words in s. 264(7) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 117\(8\)\(a\), 151\(1\) \(with Sch. 15\)](#); S.I. 2012/2906, art. 2(d)
- F223** Words in s. 264(7) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 20 para. 12\(3\)](#); S.I. 2012/2906, art. 2(r)
- F224** Words in s. 264(7) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 117\(8\)\(b\), 151\(1\) \(with Sch. 15\)](#); S.I. 2012/2906, art. 2(d)
- F225** Words in s. 264(7) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 14\(f\)](#); S.I. 2012/2906, art. 2(l)
- F226** S. 264(8) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 17 para. 8](#); S.I. 2012/2906, art. 2(o)

Commencement Information

- I26** S. 264 partly in force; s. 264 not in force at Royal Assent, see s. 336(3); s. 264 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 264(1)-(3)(6)(7) in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 19](#) (subject to [art. 2\(2\), Sch. 2](#))

F227 **264A** Consecutive terms: intermittent custody **E+W**

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Textual Amendments

- F227** S. 264A omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 33](#); S.I. 2012/2906, art. 2(h)

F228 **264B** Consecutive terms: supplementary **E+W**

- (1) This section applies in a case in which section 264 applies where—
 - (a) the offender is released on licence under this Chapter,
 - (b) the aggregate length of the terms of imprisonment mentioned in section 264(1) (a) is less than 12 months, and
 - (c) those terms include one or more terms of imprisonment (“short transitional terms”) which were imposed in respect of an offence committed before the day on which section 1 of the Offender Rehabilitation Act 2014 came into force, as well as one or more terms imposed in respect of an offence committed on or after that day.
- (2) The offender is to be on licence until the offender would, but for the release, have served a term equal in length to the aggregate of—
 - (a) the custodial period in relation to each of the short transitional terms, and
 - (b) the full length of each of the other terms.
- (3) In this section “custodial period” has the same meaning as in section 264.]

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Textual Amendments

F228 S. 264B inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 5(3)**, 22(1) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(e\)](#)

Modifications etc. (not altering text)

C23 S. 264B applied by 1997 c. 43, Sch. 1 para. 8(2)(a) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [s. 22\(1\)](#), **Sch. 3 para. 3(2)(a)**) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(u\)](#)

C24 S. 264B applied by 1997 c. 43, Sch. 1 para. 9(4)(a) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [s. 22\(1\)](#), **Sch. 3 para. 3(3)(a)**) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(u\)](#)

C25 S. 264B applied by 1997 c. 43, Sch. 1 para. 9(2)(a)(4)(a) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [s. 22\(1\)](#), [Sch. 3 para. 5\(2\)\(3\)](#)) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(u\)](#)

Restriction on consecutive sentences for released prisoners

265 Restriction on consecutive sentences for released prisoners E+W

(1) A court sentencing a person to a term of imprisonment may not order or direct that the term is to commence on the expiry of any other sentence of imprisonment from which he has been released

^{F229}(a) under this Chapter; or

(b) under Part 2 of the Criminal Justice Act 1991.]

^{F230}(1A)

^{F231}(1B)

(2) In this section “sentence of imprisonment” includes a sentence of detention under section 91 [^{F232}or 96] of the Sentencing Act or section [^{F233}226A, 226B,][^{F234}227 or] 228 of this Act, and “term of imprisonment” is to be read accordingly.

Textual Amendments

F229 Words in s. 265(1) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 20(4)(a)**, 153; [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 10](#)

F230 S. 265(1A) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), **Sch. 16 para. 17**; [S.I. 2012/2906](#), [art. 2\(n\)](#)

F231 S. 265(1B) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), **Sch. 10 para. 34**; [S.I. 2012/2906](#), [art. 2\(h\)](#)

F232 Words in s. 265(2) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 117(9)(a)**, 151(1) (with [Sch. 15](#)); [S.I. 2012/2906](#), [art. 2\(d\)](#)

F233 Words in s. 265(2) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), **Sch. 20 para. 13**; [S.I. 2012/2906](#), [art. 2\(r\)](#)

F234 Words in s. 265(2) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 117(9)(b)**, 151(1) (with [Sch. 15](#)); [S.I. 2012/2906](#), [art. 2\(d\)](#)

Commencement Information

I27 S. 265 wholly in force at 4.4.2005; s. 265 not in force at Royal Assent, see [s. 336\(3\)](#); s. 265 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 265 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 19](#) (subject to saving in [art. 2\(2\)](#), [Sch. 2](#)

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para. 14) (which saving fell (14.7.2008) by virtue of the amendment of S.I. 2005/950, Sch. 2 para. 14 by 2008 (c. 4), ss. 148, 153, {Sch. 26 para. 78}); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(s)

PROSPECTIVE

Drug testing requirements

^{F235} **266 Release on licence etc: drug testing requirements** **E+W**

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Textual Amendments

F235 S. 266 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. **118(2)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)

Supplemental

267 Alteration by order of relevant proportion of sentence **E+W**

The Secretary of State may by order provide that any reference in [^{F236}section 243A(3) (a),] section 244(3)(a), section 247(2) or section 264(6)(a)(ii) to a particular proportion of a prisoner's sentence is to be read as a reference to such other proportion of a prisoner's sentence as may be specified in the order.

Textual Amendments

F236 Words in s. 267 inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 14 para. 15**; S.I. 2012/2906, art. 2(l)

^{F237} **267A Application of Chapter 6 to pre-4 April 2005 cases** **E+W**

Schedule 20A (which modifies certain provisions of this Chapter as they apply to persons serving a sentence for an offence committed before 4 April 2005) has effect.]

Textual Amendments

F237 S. 267A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 16 para. 2**; S.I. 2012/2906, art. 2(n)

Modifications etc. (not altering text)

C26 S. 267A applied by [Crime \(Sentences\) Act 1997 \(c. 43\)](#), Sch. 1 paras. 8(2)(a)(4)(a), 9(2)(a)(4)(a) (as amended (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 16 paras. 7, 8**; S.I. 2012/2906, art. 2(n))

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[^{F238}267B Modification of Chapter 6 in certain transitional cases E+W

Schedule 20B (which modifies this Chapter so as to restate, with minor amendments, the effect of transitional provisions relating to the coming into force of this Chapter) has effect.]

Textual Amendments

F238 S. 267B inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 17 para. 9](#); S.I. 2012/2906, art. 2(o)

Modifications etc. (not altering text)

C27 S. 267B applied by [Crime \(Sentences\) Act 1997 \(c. 43\)](#), Sch. 1 paras. 8(2)(a)(4)(a), 9(2)(a)(4)(a) (as amended (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 paras. 7, 8](#); S.I. 2012/2906, art. 2(n))

268 Interpretation of Chapter 6 E+W

[^{F239}(1)] In this Chapter —

- “the 1997 Act” means the [Crime \(Sentences\) Act 1997 \(c. 43\)](#);
- “the Board” means the Parole Board;
- [^{F240}“fixed-term prisoner” and “fixed-term sentence”] have the meaning given by section 237(1) [^{F241}(as extended by section 237(1B));]
- F242
- [^{F243}“offender subject to supervision under this Chapter” means a person who is subject to supervision requirements under section 256AA or 256B;]
- “prison” and “prisoner” are to be read in accordance with section 237(2);
- [^{F243}“supervision default order” means an order described in section 256AC(4)(c), whether made under that provision or under paragraph 9 of Schedule 19A;]
- [^{F243}“the supervision period”, in relation to an offender subject to supervision under this Chapter, has the meaning given in section 256AA or 256B (as appropriate);]
- [^{F243}“the supervisor” —
- ((a) in relation to an offender subject to supervision requirements under section 256AA, has the meaning given in that section, and
- ((b) in relation to an offender subject to supervision requirements under section 256B, means the person who provides supervision under that section;]
- F242
- F242

[^{F244}(2) For the purposes of sections 243A(1A), 256AA(1), 256B(1A) and 264B(1), where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken to have been committed on the last of those days.]

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Textual Amendments

- F239** S. 268 renumbered as s. 268(1) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 23\(2\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F240** Words in s. 268(1) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 23\(3\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F241** S. 268: words in definition of "fixed-term prisoner" inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 227](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F242** Definitions in s. 268 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 35](#); S.I. 2012/2906, art. 2(h)
- F243** Words in s. 268(1) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 23\(4\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F244** S. 268(2) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 23\(5\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)

Commencement Information

- I28** S. 268 wholly in force at 4.4.2005; s. 268 not in force at Royal Assent, see s. 336(3); s. 268 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 268 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Status:

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