



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 6

#### RELEASE ON LICENCE

##### *Consecutive or concurrent terms*

#### **263 Concurrent terms**

- (1) This section applies where—
  - (a) a person (“the offender”) has been sentenced by any court 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,
  - (b) section 244 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,
  - (c) on and after his release under this Chapter the offender is to be on licence for so long, and subject to such conditions, as is required by this Chapter in respect of any of the sentences.

*Status: Point in time view as at 14/07/2008.*

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- (3) Where the sentences include one or more sentences of twelve months or more and one or more sentences of less than twelve months, the terms of the licence may be determined by the Secretary of State in accordance with section 250(4)(b), without regard to the requirements of any custody plus order or intermittent custody order.
- (4) In this section “term of imprisonment” includes a determinate sentence of detention under section 91 of the Sentencing Act or under section 228 of this Act.

#### Commencement Information

- II** 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

- (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<sup>[F1]</sup>, and
  - (c) none of those terms is a term to which an intermittent custody order relates.]
- (2) Nothing in this Chapter requires the Secretary of State to release the offender on licence 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.
- (3) Where any of the terms of imprisonment is a term of twelve months or more, the offender is, on and after his release under this Chapter, to be on licence—
- (a) until he would, but for his release, have served a term equal in length to the aggregate length of the terms of imprisonment, and
  - (b) subject to such conditions as are required by this Chapter in respect of each of those terms of imprisonment.
- (4) Where each of the terms of imprisonment is a term of less than twelve months, the offender is, on and after his release under this Chapter, to be on licence until the relevant time, and subject to such conditions as are required by this Chapter in respect of any of the terms of imprisonment, and none of the terms is to be regarded for any purpose as continuing after the relevant time.
- (5) In subsection (4) “the relevant time” means the time when the offender would, but for his release, have served a term equal in length to the aggregate of—
- (a) all the custodial periods in relation to the terms of imprisonment, and
  - (b) the longest of the licence periods in relation to those terms.
- (6) In this section—
- (a) “custodial period”—
    - (i) in relation to an extended sentence imposed under section 227 or 228, means <sup>[F2]</sup>one-half of] the appropriate custodial term determined under that section,

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- (ii) in relation to a term of twelve months or more, means one-half of the term, and
  - (iii) in relation to a term of less than twelve months complying with section 181, means the custodial period as defined by subsection (3)(a) of that section;
- (b) “licence period”, in relation to a term of less than twelve months complying with section 181, has the meaning given by subsection (3)(b) of that section.
- (7) This section applies to a determinate sentence of detention under section 91 of the Sentencing Act or under section 228 of this Act as it applies to a term of imprisonment of 12 months or more.

#### Textual Amendments

- F1** S. 264(1)(c) and preceding word inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 31, 60, [Sch. 6 para. 6](#); S.I. 2005/379, [art. 3\(e\)](#)
- F2** 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](#))

#### Commencement Information

- I2** 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](#))

### [<sup>F3</sup>264A Consecutive terms: intermittent custody

- (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,
  - (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, and
  - (c) each of the terms is a term to which an intermittent custody order relates.
- (2) The offender is not to be treated as having served all the required custodial days in relation to any of the terms of imprisonment until he has served the aggregate of all the required custodial days in relation to each of them.
- (3) After the number of days served by the offender in prison is equal to the aggregate of the required custodial days in relation to each of the terms of imprisonment, the offender is to be on licence until the relevant time and subject to such conditions as are required by this Chapter in respect of any of the terms of imprisonment.<sup>F4</sup> . . .
- (4) In subsection (3) “the relevant time” means the time when the offender would, but for his release, have served a term equal in length to the aggregate of—
- (a) all the required custodial days in relation to the terms of imprisonment, and
  - (b) [<sup>F5</sup>all the] licence periods in relation to those terms.
- (5) In this section—
- [<sup>F6</sup> “licence period” has the same meaning as in section 183(3);]

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“the required custodial days”, in relation to such a term, means the number of days specified under that section.]

#### Textual Amendments

- F3** S. 264A inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 31, 60, [Sch. 6 para. 7](#); S.I. 2005/579, [art. 3\(e\)](#)
- F4** Words in s. 264A(3) omitted (14.7.2008) by virtue of and repealed (prosp.) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 20\(3\)\(a\)](#), 149, 153, Sch. 28 Pt. 2; S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 para. 10
- F5** Words in s. 264A(4)(b) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 20\(3\)\(b\)](#), 153; S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 para. 10
- F6** S. 264A(5): definition of "total licence period" substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 20\(3\)\(c\)](#), 153; S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 para. 10

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