



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

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

Recall after release

254 Recall of prisoners while on licence

- (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.

[^{F1}(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.]

^{F2}(3)

^{F2}(4)

^{F2}(5)

Status: Point in time view as at 01/12/2020.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Recall after release is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 [F3this section] applies in relation to a person recalled under section 255.

Textual Amendments

- F1** 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)**
- F2** S. 254(3)-(5) repealed (14.7.2008 for certain purposes, otherwise 31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 29(1)(a), 149, 153, Sch. 28 Pt. 2**;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)**
- F3** 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

- II** 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

- (1) If it appears to the Secretary of State, as regards a person released on licence under section 246—
- (a) that he has failed to comply with [F4the 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 [F5subsection (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.

Status: Point in time view as at 01/12/2020.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Recall after release is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F4** 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\(i\)](#)
- F5** 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

- I2** 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](#))

[^{F6}255ZA] Offence of remaining unlawfully at large after recall

- (1) A person recalled to prison under section 254 or 255 commits an offence if the person—
 - (a) has been notified of the recall orally or in writing, and
 - (b) while unlawfully at large fails, without reasonable excuse, to take all necessary steps to return to prison as soon as possible.
- (2) A person is to be treated for the purposes of subsection (1)(a) as having been notified of the recall if—
 - (a) written notice of the recall has been delivered to an appropriate address, and
 - (b) a period specified in the notice has elapsed.
- (3) In subsection (2) “an appropriate address” means—
 - (a) an address at which, under the person's licence, the person is permitted to reside or stay, or
 - (b) an address nominated, in accordance with the person's licence, for the purposes of this section.
- (4) A person is also to be treated for the purposes of subsection (1)(a) as having been notified of the recall if—
 - (a) the person's licence requires the person to keep in touch in accordance with any instructions given by an officer of a provider of probation services,
 - (b) the person has failed to comply with such an instruction, and
 - (c) the person has not complied with such an instruction for at least 6 months.
- (5) A person who is guilty of an offence under this section is liable—
 - (a) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine (or both);
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months or a fine (or both).
- (6) In relation to an offence committed before [^{F7}paragraph 24(2) of Schedule 22 to the Sentencing Act 2020] comes into force, the reference in subsection (5)(b) to 12 months is to be read as a reference to 6 months.
- (7) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (5)(b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum.]

Status: Point in time view as at 01/12/2020.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Recall after release is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F6** S. 255ZA inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 12(2)**, 95(1) (with s. 12(3)); S.I. 2015/778, art. 3, Sch. 1 para. 8
- F7** Words in s. 255ZA(6) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 442** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Status:

Point in time view as at 01/12/2020.

Changes to legislation:

Criminal Justice Act 2003, Cross Heading: Recall after release is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.