



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

RELEASE ON LICENCE

Release on licence

244 Duty to release prisoners

- (1) As soon as a fixed-term prisoner, other than a prisoner to whom section 247 applies, has served the requisite custodial period, it is the duty of the Secretary of State to release him on licence under this section.
- (2) Subsection (1) is subject to section 245.
- (3) In this section “the requisite custodial period” means—
 - (a) in relation to a person serving a sentence of imprisonment for a term of twelve months or more or any determinate sentence of detention under section 91 of the Sentencing Act, one-half of his sentence,
 - (b) in relation to a person serving a sentence of imprisonment for a term of less than twelve months (other than one to which an intermittent custody order relates), the custodial period within the meaning of section 181,
 - (c) in relation to a person serving a sentence of imprisonment to which an intermittent custody order relates, any part of the term [^{F1}which for the purposes of section 183 (as read with section 263(2) or 264A(2) in the case of concurrent or consecutive sentences) is not a licence period], and
 - (d) in relation to a person serving two or more concurrent or consecutive sentences [^{F2}none of which falls within paragraph (c)], the period determined under sections 263(2) and 264(2).

Status: Point in time view as at 01/01/2010.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 29 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

- F1** Words in s. 244(3)(c) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 31, 60, [Sch. 6 para. 2\(a\)](#) ; S.I. 2005/579, [art. 3\(e\)](#)
- F2** Words in s. 244(3)(d) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 31, 60, [Sch. 6 para. 2\(b\)](#); S.I. 2005/579, [art. 3\(e\)](#)

Commencement Information

- I1** 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](#))

245 Restrictions on operation of section 244(1) in relation to intermittent custody prisoners

- (1) Where an intermittent custody prisoner returns to custody after being unlawfully at large within the meaning of section 49 of the Prison Act 1952 (c. 52) at any time during the currency of his sentence, section 244(1) does not apply until—
- (a) the relevant time (as defined in subsection (2)), or
 - (b) if earlier, the date on which he has served in prison the number of custodial days required by the intermittent custody order.
- (2) In subsection (1)(a) “the relevant time” means—
- (a) in a case where, within the period of 72 hours beginning with the return to custody of the intermittent custody prisoner, the Secretary of State or the responsible officer has applied to the court for the amendment of the intermittent custody order under paragraph 6(1)(b) of Schedule 10, the date on which the application is withdrawn or determined, and
 - (b) in any other case, the end of that 72-hour period.
- (3) Section 244(1) does not apply in relation to an intermittent custody prisoner at any time after he has been recalled under section 254, unless after his recall the Board has directed his further release on licence.

Commencement Information

- I2** S. 245 partly in force; s. 245 not in force at Royal Assent, see s. 336(3); s. 245 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

246 Power to release prisoners on licence before required to do so

- (1) Subject to subsections (2) to (4), the Secretary of State may—
- (a) release on licence under this section a fixed-term prisoner, other than an intermittent custody prisoner, at any time during the period of 135 days ending with the day on which the prisoner will have served the requisite custodial period, and
 - (b) release on licence under this section an intermittent custody prisoner when 135 or less of the required custodial days remain to be served.
- (2) Subsection (1)(a) does not apply in relation to a prisoner unless—

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- (a) the length of the requisite custodial period is at least 6 weeks, [^{F3} and
 - (b) he has served—
 - (i) at least 4 weeks of that period, and
 - (ii) at least one-half of that period.]
- (3) Subsection (1)(b) does not apply in relation to a prisoner unless—
- (a) the number of required custodial days is at least 42, and
 - (b) the prisoner has served—
 - (i) at least 28 of those days, and
 - (ii) at least one-half of the total number of those days.
- (4) Subsection (1) does not apply where—
- (a) the sentence is imposed under section 227 or 228,
 - (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 during the currency of the sentence, and has been recalled to prison under section 255(1) (a),
 - (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, or
 - (i) in the case of a prisoner to whom a direction under section 240 [^{F4}or 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 or, where the sentence is one of intermittent custody, the number of the required custodial days remaining to be served is less than 14.
- [^{F5}(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 a direction under section 240 includes a direction under 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) or (b), (3) or (4)(i),
 - (b) amend the number of weeks for the time being specified in subsection (2)(a) or (b)(i), and
 - (c) amend the fraction for the time being specified in subsection (2)(b)(ii) or (3) (b)(ii).
- (6) In this section—

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“the required custodial days”, in relation to an intermittent custody prisoner, means—

- (a) the number of custodial days specified under section 183, or
- (b) in the case of two or more sentences of intermittent custody [^{F6}which are consecutive], the aggregate of the numbers so specified^{F7}, or
- (c) in the case of two or more sentences of intermittent custody which are wholly or partly concurrent, the aggregate of the numbers so specified less the number of days that are to be served concurrently;]

“the requisite custodial period” in relation to a person serving any sentence other than a sentence of intermittent custody, has the meaning given by paragraph (a), (b) or (d) of section 244(3);

“sentence of intermittent custody” means a sentence to which an intermittent custody order relates.

Textual Amendments

- F3** 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
- F4** Words in s. 246(4)(i) inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 22(2), 153**; S.I. 2008/2712, **art. 2**, Sch. para. 2 (subject to arts. 3, 4)
- F5** 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**
- F6** In s. 246(6) in definition of "the required custodial days" words inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), **ss. 31, 60**, **Sch. 6 para. 3(a)**; S.I. 2005/579, **art. 3(e)**
- F7** In s. 246(6) in definition of "the required custodial days" para. (c) and preceding word inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), **ss. 31, 60**, **Sch. 5 para. 3(b)**; S.I. 2005/579, **art. 3(e)**

Commencement Information

- I3** 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)

247 Release on licence of prisoner serving extended sentence under section 227 or 228

- (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,^{F8} . . .
 - (b) ^{F9}
 it is the duty of the Secretary of State to release him on licence.
- (3) ^{F10}
- (4) ^{F11}

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- (5) ^{F12}
- (6) ^{F13}
- (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.

Textual Amendments

- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)

Commencement Information

- I4** 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

- (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.
- (2) Before releasing under this section a prisoner to whom section 247 applies, the Secretary of State must consult the Board, unless the circumstances are such as to render such consultation impracticable.

Commencement Information

- I5** 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.](#); 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

- (1) Subject to subsections (2) and (3), where a fixed-term prisoner 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.
- (2) Where an intermittent custody prisoner is released on licence under section 244, the licence shall, subject to any revocation under section 254, remain in force—

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- (a) until the time when he is required to return to prison at the beginning of the next custodial period of the sentence, or
 - (b) where it is granted at the end of the last custodial period, for the remainder of his sentence.
- (3) Subsection (1) has effect subject to sections 263(2) (concurrent terms) and 264(3) and (4) (consecutive terms) [^{F14}and subsection (2) has effect subject to section 264A(3) (consecutive terms: intermittent custody)].
- (4) In subsection (2) “custodial period”, in relation to a sentence to which an intermittent custody order relates, means any period which is not a licence period as defined by 183(3).

Textual Amendments

F14 Words in s. 249(3) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 31, 60, [Sch. 6 para. 4](#); [S.I. 2005/579](#), [art. 3\(e\)](#)

Modifications etc. (not altering text)

C1 S. 249 applied (with modifications) (14.7.2008) by [Criminal Justice Act 1991 \(c. 53\)](#), s. 50A(5)(6)(a) (7) (as inserted by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 32\(1\)](#), 153; [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 18](#))

Commencement Information

I6 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

- (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.
- (2) Subject to subsection (6) and section 251, any licence under this Chapter in respect of a prisoner serving one or more sentences of imprisonment of less than twelve months and no sentence of twelve months or more—
- (a) must include—
 - (i) the conditions required by the relevant court order, and
 - (ii) so far as not inconsistent with them, the standard conditions, and
 - (b) may also include—
 - (i) any condition which is authorised by section 62 of the Criminal Justice and Court Services Act 2000 (c. 43) (electronic monitoring) or section 64 of that Act (drug testing requirements) and which is compatible with the conditions required by the relevant court order, and
 - (ii) such other conditions of a kind prescribed for the purposes of this paragraph as the Secretary of State may for the time being consider to be necessary for the protection of the public and specify in the licence.

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- [^{F15}(2A) If the sentence (or, if more than one, each sentence) that the prisoner is serving is one in relation to which no custody plus or intermittent custody order is in force, subsection (2) has effect as if there were omitted—
- (a) paragraph (a)(i);
 - (b) the words “so far as not inconsistent with them,” in paragraph (a)(ii); and
 - (c) the words from “and which” in paragraph (b)(i).]
- (3) For the purposes of subsection (2)(a)(i), any reference in the relevant court order to the licence period specified in the order is, in relation to a prohibited activity requirement, exclusion requirement, residence requirement or supervision requirement, to be taken to include a reference to any other period during which the prisoner is released on licence under section 246 or 248.
- (4) Any licence under this Chapter in respect of a prisoner serving a sentence of imprisonment for a term of twelve months or more (including such a sentence imposed under section 227) or any sentence of detention under section 91 of the Sentencing Act or section 228 of this Act—
- (a) must include the standard conditions, and
 - (b) may include—
 - (i) any condition authorised by section 62 or 64 of the Criminal Justice and Court Services Act 2000 [^{F16}or section 28 of the Offender Management Act 2007] , and
 - (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.
- (6) Where—
- (a) a licence under section 246 is granted to a prisoner serving one or more sentences of imprisonment of less than 12 months and no sentence of 12 months or more, and
 - (b) the relevant court order requires the licence to be granted subject to a condition requiring his compliance with a curfew requirement (as defined by section 204),
- that condition is not to be included in the licence at any time while a curfew condition required by section 253 is in force.
- (7) The preceding provisions of this section have effect subject to section 263(3) (concurrent terms) [^{F17}, section 264(3) and (4) (consecutive terms) and section 264A(3) (consecutive terms: intermittent custody)].
- (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.

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Textual Amendments

- F15** S. 250(2A) 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. 222](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F16** Words in s. 250(4)(b)(i) inserted (temp. from 19.1.2009 until 31.3.2012 for certain purposes, otherwise prosp.) by [Offender Management Act 2007](#) (c. 21), [ss. 28\(5\)](#), 41(1); S.I. 2009/32, [arts. 3\(a\)](#), 4, 5
- F17** Words in s. 250(7) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004](#) (c. 28), ss. 31, 60, [Sch. 6 para. 5](#); S.I. 2005/579, [art. 3\(e\)](#)

Modifications etc. (not altering text)

- C2** S. 250(1) applied (9.6.2008 for certain purposes, otherwise 31.10.2009) by [Criminal Justice Act 1991](#) (c. 53), s. 37ZA(2) (as inserted by [Criminal Justice and Immigration Act 2008](#) (c. 4), [s. 26\(6\)](#) (with [Sch. 27 para. 8](#)); S.I. 2008/1466, [art. 2](#) (subject to arts. 3, 4); S.I. 2009/2606, [art. 3\(b\)](#))
- C3** S. 250(1) applied (14.7.2008) by [Criminal Justice Act 1991](#) (c. 53), s. 50A(5)(6)(b) (as inserted by [Criminal Justice and Immigration Act 2008](#) (c. 4), [ss. 32\(1\)](#), 153; S.I. 2008/1586, [art. 2\(1\)](#), [Sch. 1 para. 18](#))
- C4** S. 250(4) applied (9.6.2008 for certain purposes, otherwise 31.10.2009) by [Criminal Justice Act 1991](#) (c. 53), s. 37ZA(2) (as inserted by [Criminal Justice and Immigration Act 2008](#) (c. 4), [s. 26\(6\)](#) (with [Sch. 27 para. 8](#)); S.I. 2008/1466, [art. 2](#) (subject to arts. 3, 4); S.I. 2009/2606, [art. 3\(b\)](#))
- C5** S. 250(4) applied (with modifications) (14.7.2008) by [Criminal Justice Act 1991](#) (c. 53), s. 50A(5)(6)(b)(8) (as inserted by [Criminal Justice and Immigration Act 2008](#) (c. 4), [ss. 32\(1\)](#), 153; S.I. 2008/1586, [art. 2\(1\)](#), [Sch. 1 para. 18](#))
- C6** S. 250(8) applied (9.6.2008 for certain purposes, otherwise 31.10.2009) by [Criminal Justice Act 1991](#) (c. 53), s. 37ZA(2) (as inserted by [Criminal Justice and Immigration Act 2008](#) (c. 4), [s. 26\(6\)](#) (with [Sch. 27 para. 8](#)); S.I. 2008/1466, [art. 2](#) (subject to arts. 3, 4); S.I. 2009/2606, [art. 3\(b\)](#))
- C7** S. 250(8) applied (14.7.2008) by [Criminal Justice Act 1991](#) (c. 53), s. 50A(5)(6)(b) (as inserted by [Criminal Justice and Immigration Act 2008](#) (c. 4), [ss. 32\(1\)](#), 153; S.I. 2008/1586, [art. 2\(1\)](#), [Sch. 1 para. 18](#))

Commencement Information

- I7** 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](#))

251 Licence conditions on re-release of prisoner serving sentence of less than 12 months

- (1) In relation to any licence under this Chapter which is granted to a prisoner serving one or more sentences of imprisonment of less than twelve months and no sentence of twelve months or more on his release in pursuance of a decision of the Board under section 254 or 256, subsections (2) and (3) apply instead of section 250(2).
- (2) The licence—
- (a) must include the standard conditions, and
 - (b) may include—
 - (i) any condition authorised by section 62 or 64 of the Criminal Justice and Court Services Act 2000 (c. 43), and

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- (ii) such other conditions of a kind prescribed by the Secretary of State for the purposes of section 250(4)(b)(ii) as the Secretary of State may for the time being specify in the licence.
- (3) In exercising his powers under subsection (2)(b)(ii), the Secretary of State must have regard to the terms of the relevant court order [^{F18}(if any)].
- (4) In this section “the standard conditions” has the same meaning as in section 250.

Textual Amendments

F18 Words in s. 251(3) added (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 223](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

I8 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

[^{F19}(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.

[^{F20}(2) But where—

- (a) the licence relates to a sentence of imprisonment passed by a service court,
- (b) no custody plus order was made in relation to the sentence, or such an order was made but subsequently revoked, and
- (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

F19 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](#)

F20 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](#)

Modifications etc. (not altering text)

C8 S. 252 applied (14.7.2008) by [Criminal Justice Act 1991 \(c. 53\)](#), s. 50A(6)(c) (as inserted by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 32\(1\)](#), 153; S.I. 2008/1586, [art. 2](#), [Sch. 1 para. 32](#))

Commencement Information

I9 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](#))

Status: Point in time view as at 01/01/2010.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 29 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)

253 Curfew condition to be included in licence under section 246

- (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 [F21 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 on licence under section 244.
- (4) Subsection (3) does not apply in relation to a released person to whom an intermittent custody order relates; and in relation to such a person the curfew condition is to remain in force until the number of days during which it has been in force is equal to the number of the required custodial days, as defined in section 246(6), that remained to be served at the time when he was released under section 246.
- (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

F21 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)**

Commencement Information

I10 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](#))

Status:

Point in time view as at 01/01/2010.

Changes to legislation:

Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 29 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.