

Status: Point in time view as at 31/01/2017.

Changes to legislation: Criminal Justice Act 2003, Part 4 is up to date with all changes known to be in force on or before 21 May 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)

SCHEDULES

[^{F1}SCHEDULE 20B

MODIFICATIONS OF CHAPTER 6 OF PART 12 IN CERTAIN TRANSITIONAL CASES

Textual Amendments

- F1** Sch. 20B inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 17 para. 10](#); S.I. 2012/2906, art. 2(o)

Modifications etc. (not altering text)

- C1** Schs. 20A, 20B 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\(2\)\(b\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u))
- C1** Schs. 20A, 20B 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\(3\)\(b\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u))
- C1** Schs. 20A, 20B 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))

PART 4

PROVISIONS APPLYING GENERALLY

Licence conditions

- 34 (1) This paragraph applies to any licence (a “Parole Board licence”) which falls within sub-paragraph (2) or (3) [^{F2}and which was granted to a person serving—
- (a) a 1967 Act sentence,
 - (b) a 1991 Act sentence, or
 - (c) a 2003 Act sentence which is an extended sentence imposed under section 227 or 228 before 14 July 2008.]
- (2) A licence falls within this sub-paragraph if—
- (a) it is or was granted to a person (“P”) on P's release (at any time) on the recommendation or direction of the Board, and
 - (b) P has not been released otherwise than on such a recommendation or direction.
- (3) A licence falls within this sub-paragraph if—
- (a) it is or was granted to a person (“P”) on P's release (at any time), and
 - (b) condition A or condition B is met.
- (4) Condition A is that, before 2 August 2010, the Board exercised the function under section 37(5) of the 1991 Act of making recommendations as to any condition to be

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included or inserted as a condition in a licence granted to P (including by making a recommendation that no condition should be included in such a licence).

(5) Condition B is that, before 2 August 2010—

- (a) P was released on licence under section 33(2), (3) or (3A) or 35(1) of the 1991 Act, and
- (b) the Board exercised the function under section 37(5) of that Act of—
 - (i) making recommendations as to the inclusion or insertion of a condition in a licence granted to P (including by making a recommendation that no condition should be included in such a licence), or
 - (ii) making recommendations as to the variation or cancellation of any such condition (including a recommendation that the condition should not be varied or cancelled).

(6) The Secretary of State must not—

- (a) include on release, or subsequently insert, a condition [^{F3}referred to in section 250(4)(b)(ii)] in a Parole Board licence, or
 - (b) vary or cancel any such condition,
- except in accordance with directions of the Board.

Textual Amendments

- F2** Words in Sch. 20B para. 34(1) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 15\(9\)\(a\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 11
- F3** Words in Sch. 20B para. 34(6)(a) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 15\(9\)\(b\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 11

Fine defaulters and contemnors

35 (1) This paragraph applies to any person if—

- (a) the person has been committed to prison or to be detained under section 108 of the Sentencing Act—
 - (i) in default of payment of a sum adjudged to be paid by a conviction, or
 - (ii) for contempt of court or any kindred offence,
- (b) the person was so committed or detained before 4 April 2005, and
- (c) the term for which the person was committed or detained is 12 months or more.

(2) As soon as a person to whom this paragraph applies has served two-thirds of the term, it is the duty of the Secretary of State to release the person unconditionally.

(3) Sub-paragraph (2) applies in place of section 258(2) (early release of fine defaulters and contemnors).

Early removal of prisoners liable to removal from UK

36 (1) This paragraph applies to any person who—

- (a) has served one-half of a sentence of imprisonment, and
- (b) has not been released on licence under this Chapter.

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- (2) The reference in sub-paragraph (1)(a) to one-half of a sentence is—
- (a) in the case of a section 85 extended sentence, a reference to one-half of the custodial term;
 - (b) in the case of an extended sentence imposed under section 227 or 228, a reference to one-half of the appropriate custodial term.
- 37 (1) If a person to whom paragraph 36 applies—
- (a) is liable to removal from the United Kingdom, and
 - (b) has not been removed from prison under section 260 during the period mentioned in subsection (1) of that section,
- the Secretary of State may remove the person from prison under that section at any time after the end of that period.
- (2) Sub-paragraph (1) applies whether or not the Board has directed the person's release under paragraph 6, 15, 25 or 28.]

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