



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 6

#### [<sup>F1</sup> RELEASE, LICENCES<sup>F1</sup>, SUPERVISION] AND RECALL ]

#### *Release on licence*

#### **244 Duty to release prisoners**

(1) As soon as a fixed-term prisoner, other than a prisoner to whom section [<sup>F1</sup>243A<sup>F2</sup>, 244A]<sup>F3</sup>, 246A]<sup>F4</sup>, 247 or 247A] applies, has served the requisite custodial period [<sup>F5</sup>for the purposes of this section], it is the duty of the Secretary of State to release him on licence under this section.

[<sup>F6</sup>(1ZA) Subsection (1) does not apply if—

- (a) the prisoner's case has been referred to the Board under section 244ZB, or
- (b) a notice given to the prisoner under subsection (4) of that section is in force.]

[<sup>F7</sup>(1A) Subsection (1) does not apply if the prisoner has been released on licence under section 246 [<sup>F8</sup>or 248] and recalled under section 254 (provision for the release of such persons being made by sections 255B and 255C).]

<sup>F9</sup>(2) .....

(3) [<sup>F10</sup>For the purposes of this section] “the requisite custodial period” means—

- (a) [<sup>F11</sup>in relation to a prisoner serving one sentence], one-half of his sentence,
- <sup>F12</sup>(b) .....
- <sup>F12</sup>(c) .....

*Status: Point in time view as at 28/04/2022. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 2003, Section 244 is up to date with all changes known to be in force on or before 10 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)*

- (d) in relation to a person serving two or more concurrent or consecutive sentences<sup>F13</sup>..., the period determined under sections 263(2) and 264(2).

[<sup>F14</sup>(4) This section is subject to paragraphs 5, 6, 8, 25 and 28 of Schedule 20B (transitional cases).]

#### Textual Amendments

- F1** 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)
- F2** Word in s. 244(1) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 5**; S.I. 2015/778, art. 3, Sch. 1 para. 72
- F3** 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)
- F4** Words in s. 244(1) substituted (26.2.2020) by Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), **ss. 2(3)**, 10(4)
- F5** 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)
- F6** S. 244(1ZA) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 132(3)**, 208(4)(p)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)

#### Modifications etc. (not altering text)

- C1** Pt. 12 Ch. 6 modified (1.12.2020) by Sentencing Act 2020 (c. 17), **s. 245(1)(2)(c)**, 416(1) (with ss. 2, 245(3), 398(1), 406, Sch. 27); S.I. 2020/1236, reg. 2
- C2** Pt. 12 Ch. 6 modified (1.12.2020) by Sentencing Act 2020 (c. 17), **s. 244(1)(2)(c)**, 416(1) (with ss. 2, 244(3), 398(1), 406, Sch. 27); S.I. 2020/1236, reg. 2
- C3** Pt. 12 Ch. 6 applied (29.6.2021) by 1984 c. 47, **Sch. para. 2(3B)** (as inserted by Counter Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(r), **Sch. 11 para. 2**)
- C4** S. 244(3)(a) modified (1.4.2020) by The Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020 (S.I. 2020/158), arts. 1, **3** (with art. 5)

#### 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)

**Status:**

Point in time view as at 28/04/2022. This version of this provision has been superseded.

**Changes to legislation:**

Criminal Justice Act 2003, Section 244 is up to date with all changes known to be in force on or before 10 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.