Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

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

Release on licence

[^{F1}**246A Release on licence of prisoners serving extended sentence under [^{F2}section 254, 266 or 279 of the Sentencing Code etc]**

(1) This section applies to a prisoner ("P") who is serving an extended sentence imposed under section 226A or 226B [^{F3}or under section 254, 266 or 279 of the Sentencing Code][^{F4}, other than a prisoner to whom section 247A applies].

(2) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the requisite custodial period for the purposes of this section [^{F5}if—
 (a) the sentence was imposed before the coming into force of section 4 of the Criminal Justice and Courts Act 2015,
 (b) the appropriate custodial term is less than 10 years, and
 (c) the sentence was not imposed in respect of an offence listed in Parts 1 to 3 of Schedule 15B or in respect of offences that include one or more offences listed in those Parts of that Schedule.]

(3) [^{F6}In any other case], it is the duty of the Secretary of State to release P on licence in accordance with subsections (4) to (7).

(4) The Secretary of State must refer P's case to the Board—
 (a) as soon as P has served the requisite custodial period, and

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    (b)   where there has been a previous reference of P's case to the Board under this subsection and the Board did not direct P's release, not later than the second anniversary of the disposal of that reference.

(5) It is the duty of the Secretary of State to release P on licence under this section as soon as—

    (a)   P has served the requisite custodial period, and

    (b)   the Board has directed P's release under this section.

(6) The Board must not give a direction under subsection (5) unless—

    (a)   the Secretary of State has referred P's case to the Board, and

    (b)   the Board is satisfied that it is no longer necessary for the protection of the public that P should be confined.

F7(6A) **[** Sections 246B and 246C contain provision that relates to the Board's function of giving directions under subsection (5) for the release of P.**]**

(7) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the appropriate custodial term, unless P has previously been released on licence under this section and recalled under section 254 (provision for the release of such persons being made by section 255C).

(8) For the purposes of this section—

    "appropriate custodial term" means the term determined as such by the court under section 226A or 226B **[F8**or under section 254, 266 or 279 of the Sentencing Code**]** (as appropriate);

    "the requisite custodial period" means—

    (a)   in relation to a person serving one sentence, two-thirds of the appropriate custodial term, and

    (b)   in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2).**]**

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Changes to legislation: *Criminal Justice Act 2003, Section 246A 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)*

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

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