



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

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

Release on licence

[^{F1}247A Restricted eligibility for release on licence of terrorist prisoners

- (1) This section applies to a prisoner (a “terrorist prisoner”) who—
 - (a) is serving a fixed-term sentence imposed (whether before or after this section comes into force) in respect of an offence within subsection (2), and
 - (b) has not been released on licence.
- (2) An offence is within this subsection ([^{F2}whenever it was committed]) if—
 - (a) it is specified in Part 1 of Schedule 19ZA (offences under counter-terrorism legislation),
 - [^{F3}(b) it is a service offence as respects which the corresponding civil offence is so specified, or
 - (c) it was determined to have a terrorist connection.]
- (3) It is the duty of the Secretary of State to refer the case of a terrorist prisoner to the Board—
 - (a) as soon as the prisoner has served the requisite custodial period, and
 - (b) where there has been a previous reference of the prisoner's case to the Board under this subsection and the Board did not direct the prisoner's release, no later than the second anniversary of the disposal of that reference.

Status: Point in time view as at 30/04/2021. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 2003, Section 247A is up to date with all changes known to be in force on or before 07 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)

- (4) It is the duty of the Secretary of State to release a terrorist prisoner on licence as soon as—
- (a) the prisoner has served the requisite custodial period, and
 - (b) the Board has directed the release of the prisoner under this section.
- (5) The Board must not give a direction under subsection (4) unless—
- (a) the Secretary of State has referred the terrorist prisoner's case to the Board, and
 - (b) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (6) Subsection (7) applies where the terrorist prisoner is serving a sentence imposed under section 226A, 226B, 227, 228 or 236A [^{F4}or under section [^{F5}252A,] 254, 265, 266, 278 or 279 of the Sentencing Code].
- (7) It is the duty of the Secretary of State to release the terrorist prisoner on licence under this section as soon as the prisoner has served the appropriate custodial term (see sections 255B and 255C for provision about the re-release of a person who has been recalled under section 254).
- [For the purposes of this section, an offence was determined to have a terrorist ^{F6}(7A) connection if it was—
- (a) determined to have a terrorist connection under—
 - (i) section 69 of the Sentencing Code (including as applied by section 238(6) of the Armed Forces Act 2006),
 - (ii) section 30 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in England and Wales before the Sentencing Code applied, or an offender sentenced in Northern Ireland but now subject to the provisions of this Chapter), or
 - (iii) section 32 of that Act (in the case of a person sentenced for a service offence before the Sentencing Code applied), or
 - (b) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland but now subject to the provisions of this Chapter).]
- (8) For the purposes of this section—
- “the appropriate custodial term”, in relation to a sentence imposed under section 226A, 226B, 227, 228 or 236A, [^{F7}or under section [^{F8}252A,] 254, 265, 266, 278 or 279 of the Sentencing Code,] means the term determined as such by the court under that provision;
- “the requisite custodial period” means—
- (a) in relation to a person serving one sentence imposed under section 226A, 226B, 227, 228, or 236A, [^{F7}or under section [^{F8}252A,] 254, 265, 266, 278 or 279 of the Sentencing Code,] two-thirds of the appropriate custodial term,
 - (b) in relation to a person serving one sentence of any other kind, two-thirds of the sentence, and
 - (c) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2);
- “service offence”, [^{F9}and “corresponding civil offence”] have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).

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(9) For the purposes of this section, a reference of a terrorist prisoner's case to the Board disposed of before the day on which this section comes into force is to be treated as if it was made (and disposed of) under subsection (3) if—

- (a) it was made under section 244A(2)(b) and disposed of at a time when the prisoner had served the requisite custodial [^{F10}period] (within the meaning of this section, not section 244A), or
- (b) it was made under section 246A(4).

(10) Nothing in this section affects the duty of the Secretary of State to release a person whose release has been directed by the Board before this section comes into force.

[In the case of a prisoner to whom this section applies as a result of the amendments ^{F11}(10A) made by sub-paragraph (2) of paragraph 45 of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021, the references in subsections (9) and (10) to the date on which this section comes into force are to be read as references to the date on which that sub-paragraph comes into force.]

(11) This section is subject to paragraphs 5, 17 and 19 of Schedule 20B (transitional cases).]

Textual Amendments

- F1** S. 247A inserted (E.W.) (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\), ss. 1\(2\), 10\(4\)](#)
- F2** Words in s. 247A(2) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 45\(2\)\(a\)\(i\)](#)
- F3** S. 247A(2)(b)(c) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 45\(2\)\(a\)\(ii\)](#)
- F4** Words in s. 247A(6) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 226\(3\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F5** Word in s. 247A(6) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 21\(4\)\(a\)](#)
- F6** S. 247A(7A) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 45\(2\)\(b\)](#)
- F7** Words in s. 247A(8) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 226\(4\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F8** Word in s. 247A(8) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 21\(4\)\(b\)](#)
- F9** Words in s. 247A(8) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 45\(2\)\(c\)](#)
- F10** Word in s. 247A(9)(a) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 45\(2\)\(d\)](#)
- F11** S. 247A(10A) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 45\(2\)\(e\)](#)

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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Changes to legislation:

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