



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 6

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

#### *[<sup>F1</sup> Further release after recall]*

#### **[<sup>F1</sup>255A Further release after recall: introductory**

- (1) This section applies for the purpose of identifying which of sections 255B and 255C governs the further release of a person who has been recalled under section 254.
- (2) The Secretary of State must, on recalling a person other than an extended sentence prisoner, consider whether the person is suitable for automatic release.
- (3) For this purpose “automatic release” means release at the end of the period of 28 days beginning with the date on which the person returns to custody.
- (4) A person is suitable for automatic release only if the Secretary of State is satisfied that the person will not present a risk of serious harm to members of the public if released at the end of that period.
- (5) The person must be dealt with—
  - (a) in accordance with section 255B if suitable for automatic release;
  - (b) in accordance with section 255C otherwise.
- (6) For the purposes of this section, a person returns to custody when that person, having been recalled, is detained (whether or not in prison) in pursuance of the sentence.

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*Status: Point in time view as at 03/12/2012. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 2003, Section 255A is up to date with all changes known to be in force on or before 11 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)*

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- (7) An “extended sentence prisoner” is a prisoner serving an extended sentence imposed under—
- (a) section [F2226A, 226B,] 227 or 228 of this Act, or
  - (b) section 85 of the Sentencing Act;
- and paragraph (b) includes (in accordance with paragraph 1(3) of Schedule 11 to the Sentencing Act) a reference to section 58 of the Crime and Disorder Act 1998.]

#### **Textual Amendments**

- F1** S. 255A-255C and crossheading substituted for s. 255A-255D (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 114(1), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F2** Words in s. 255A(7)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 20 para. 7**; S.I. 2012/2906, art. 2(r)

**Status:**

Point in time view as at 03/12/2012. This version of this provision has been superseded.

**Changes to legislation:**

Criminal Justice Act 2003, Section 255A is up to date with all changes known to be in force on or before 11 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.