



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

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

[^{F1}Further release after recall]

[^{F1}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 [^{F2}, a serious terrorism prisoner or a prisoner whose case was referred to the Board under section 244ZB], consider whether the person is suitable for automatic release.
- ^{F3}(3)
- (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 [^{F4}the automatic release 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.[^{F5}but that is subject, where applicable, to section 243A(2) (unconditional release).]
- (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.

Status: Point in time view as at 28/04/2022. This version of this provision has been superseded.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 255A is up to date with all changes known to be in force on or before 23 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)

- (7) An “extended sentence prisoner” is a prisoner serving an extended sentence imposed under—
- (a) section [F6226A, 226B,] 227 or 228 of this Act, F7...
 - [F8(aa) section 254, 266 or 279 of the Sentencing Code, or]
 - (b) section 85 of [F9the PCC(S)A 2000];
- and paragraph (b) includes (in accordance with paragraph 1(3) of Schedule 11 to [F9the PCC(S)A 2000]) a reference to section 58 of the Crime and Disorder Act 1998.]
- [F10(7A) A “serious terrorism prisoner” is a prisoner serving a serious terrorism sentence imposed under section 268A or 282A of the Sentencing Code.]
- [F11(8) Automatic release” means release at the end of the automatic release period.
- (9) In the case of a person recalled under section 254 while on licence under a provision of this Chapter other than section 246, “the automatic release period” means—
- (a) where the person is serving a sentence of less than 12 months, the period of 14 days beginning with the day on which the person returns to custody;
 - (b) where the person is serving a sentence of 12 months or more, the period of 28 days beginning with that day.
- (10) In the case of a person recalled under section 254 while on licence under section 246, “the automatic release period” means whichever of the following ends later—
- (a) the period described in subsection (9)(a) or (b) (as appropriate);
 - (b) the requisite custodial period which the person would have served under section 243A or 244 but for the earlier release.]

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(2) substituted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 132(6)**, 208(4)(p)
- F3** S. 255A(3) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 9(4)(a)**, 22(1) (with Sch. 7 para. 5); S.I. 2015/40, art. 2(i)
- F4** Words in s. 255A(4) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 9(4)(b)**, 22(1) (with Sch. 7 para. 5); S.I. 2015/40, art. 2(i)
- F5** Words in s. 255A(5) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 9(4)(c)**, 22(1) (with Sch. 7 para. 5); S.I. 2015/40, art. 2(i)
- F6** 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)
- F7** Word in s. 255A(7)(a) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 228(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F8** S. 255A(7)(aa) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 228(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F9** Words in s. 255A(7) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 228(c)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F10** S. 255A(7A) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), **Sch. 13 para. 9(6)(b)**
- F11** Ss. 255A(8)-(10) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 9(4)(d)**, 22(1) (with Sch. 7 para. 5); S.I. 2015/40, art. 2(i)

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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** S. 255A(7) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), ss. 1, 5(2)(3); S.I. 2012/1236, reg. 2

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