



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 2

#### SENTENCING

##### *Release and recall of prisoners*

- 27 Application of section 35(1) of Criminal Justice Act 1991 to prisoners liable to removal from the UK**
- (1) The following provisions of Part 2 of the Criminal Justice Act 1991 ([c. 53](#)) (which apply to persons sentenced for offences committed before 4th April 2005 etc.) cease to have effect—
- (a) section 46(1) (which makes the early release power under section 35(1) exercisable in relation to long term prisoners liable to removal without a Parole Board recommendation), and
  - (b) in section 50(2), the words from “but nothing” to the end (which exclude prisoners liable to removal from the cases in which prisoners must be released if recommended for release by the Parole Board);
- and, accordingly, the Parole Board (Transfer of Functions) Order 1998 ([S.I. 1998/3218](#)) applies to prisoners liable to removal as it applies to other prisoners.
- (2) In this section “prisoners liable to removal” means prisoners liable to removal from the United Kingdom (within the meaning of section 46(3) of the Criminal Justice Act 1991).