



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

Release and recall of prisoners

30 Further review and release of prisoners after recall

- (1) Section 256 of the Criminal Justice Act 2003 (c. 44) (further release after recall) is amended as follows.
- (2) In subsection (1) for paragraph (b) substitute—
 - “(b) determine the reference by making no recommendation as to his release.”
- (3) In subsection (2) omit “or (b)”.
- (4) Subsections (3) and (5) cease to have effect.
- (5) In consequence of the amendments made by section 29 and this section, the heading to section 256 becomes “Review by the Board”.
- (6) After section 256 insert—

“256A Further review

- (1) The Secretary of State must, not later than the first anniversary of a determination by the Board under section 256(1) or subsection (4) below, refer the person's case to the Board.
- (2) The Secretary of State may, at any time before that anniversary, refer the person's case to the Board.

Status: Point in time view as at 10/03/2014.

Changes to legislation: Criminal Justice and Immigration Act 2008, Section 30 is up to date with all changes known to be in force on or before 07 September 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)

- (3) The Board may at any time recommend to the Secretary of State that a person's case be referred under subsection (2).
- (4) On a reference under subsection (1) or (2), the Board must determine the reference by—
 - (a) recommending the person's immediate release on licence under this Chapter,
 - (b) fixing a date for his release on licence, or
 - (c) making no recommendation as to his release.
- (5) The Secretary of State—
 - (a) where the Board makes a recommendation under subsection (4)(a) for the person's immediate release on licence, must give effect to the recommendation; and
 - (b) where the Board fixes a release date under subsection (4)(b), must release the person on licence on that date.”

Commencement Information

II S. 30 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), **Sch. 1 para. 16** (with Sch. 2 para. 3)

Status:

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