



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

Release and recall of prisoners

32 Release of prisoners recalled following release under Criminal Justice Act 1991

(1) Before section 51 of the Criminal Justice Act 1991 (c. 53) insert—

“50A Prisoners recalled under section 254 of Criminal Justice Act 2003

- (1) This section applies to a person who is—
 - (a) released on licence under any provision of this Part, and
 - (b) recalled to prison under section 254(1) of the 2003 Act (recall of prisoners while on licence).
- (2) Nothing in the following provisions of this Part (which authorise or require the Secretary of State to release prisoners) applies in relation to the person—
 - (a) section 33;
 - (b) section 33A;
 - (c) section 34A;
 - (d) section 35;
 - (e) section 43(4).
- (3) Sections 254(2) and (6) and 255A to 256A of the 2003 Act (which authorise release on licence etc) apply in relation to a person to whom this section applies with the modifications specified in subsection (4).
- (4) Section 255A applies as if—

Status: This is the original version (as it was originally enacted).

- (a) the reference in subsection (2)(b) to section 246 or 248 of the 2003 Act were a reference to section 34A or 36 of this Act,
 - (b) the reference in subsection (11) to section 244 of the 2003 Act were a reference to section 33(1), (1A) or (2) of this Act,
 - (c) subsection (12) were omitted (provision to the same effect being made by section 51(2) of this Act, as it applies by virtue of subsection (9) below), and
 - (d) subsection (14) provided that “term of imprisonment” included any sentence of detention mentioned in section 43(1) of this Act.
- (5) The provisions of Chapter 6 of Part 12 of the 2003 Act specified in subsection (6) apply in relation to—
- (a) a licence under that Chapter granted to a person to whom this section applies, and
 - (b) a licence under section 36 of this Act granted to such a person.
- (6) The provisions of the 2003 Act specified in this subsection are—
- (a) section 249 (duration of licence), as modified by subsection (7) below;
 - (b) section 250(1), (4) and (8) (licence conditions), as modified by subsection (8) below;
 - (c) section 252 (duty to comply with licence conditions).
- (7) Section 249 of the 2003 Act applies—
- (a) as if the reference in subsection (1) to a fixed-term prisoner were a reference to a person to whom this section applies, and
 - (b) as if for subsection (3) there were substituted—
- “(3) Subsection (1) has effect subject to section 51(2) to (2D) of the Criminal Justice Act 1991 (treatment of consecutive and concurrent terms etc).”
- (8) Section 250(4) of the 2003 Act applies as if the reference to a prisoner serving a sentence mentioned in that subsection were a reference to a person to whom this section applies.
- (9) In relation to a person to whom this section applies, subsections (2) to (2D) of section 51 of this Act (treatment of consecutive and concurrent terms etc.) apply as if any reference in those subsections to this Part of this Act included the provisions of the 2003 Act mentioned in subsections (3) and (6).
- (10) Except as provided by subsections (7)(b) and (9), nothing in this Part applies in relation to the duration and conditions of—
- (a) a licence under Chapter 6 of Part 12 of the 2003 Act granted to a person to whom this section applies, or
 - (b) a licence under section 36 of this Act granted to such a person.
- (11) In this section, “the 2003 Act” means the Criminal Justice Act 2003.”
- (2) The savings made by paragraph 19 of Schedule 2 to the Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005 ([S.I. 2005/950](#)) in respect of sections 249 and 250 of the Criminal Justice Act 2003 (c. 44) do not apply in relation to a licence granted under Chapter 6 of Part 12 of that Act,

or under section 36 of the Criminal Justice Act 1991 (c. 53), to a person to whom section 50A of the Criminal Justice Act 1991 applies.