



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 3

#### SENTENCING AND PUNISHMENT OF OFFENDERS

### CHAPTER 4

#### RELEASE ON LICENCE ETC

#### *Life sentence prisoners*

#### **119 Removal of prisoners from the United Kingdom**

After section 32 of the Crime (Sentences) Act 1997 insert—

*“Persons liable to removal from the United Kingdom*

#### **32A Removal of prisoners liable to removal from United Kingdom**

(1) Where P—

(a) is a life prisoner in respect of whom a minimum term order has been made, and

(b) is liable to removal from the United Kingdom,

the Secretary of State may remove P from prison under this section at any time after P has served the relevant part of the sentence (whether or not the Parole Board has directed P's release under section 28).

(2) But if P is serving two or more life sentences—

*Status: Point in time view as at 15/12/2017.*

*Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 119 is up to date with all changes known to be in force on or before 30 August 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)*

- (a) this section does not apply to P unless a minimum term order has been made in respect of each of those sentences; and
  - (b) the Secretary of State may not remove P from prison under this section until P has served the relevant part of each of them.
- (3) If P is removed from prison under this section—
- (a) P is so removed only for the purpose of enabling the Secretary of State to remove P from the United Kingdom under powers conferred by—
    - (i) Schedule 2 or 3 to the Immigration Act 1971, or
    - (ii) section 10 of the Immigration and Asylum Act 1999, and
  - (b) so long as remaining in the United Kingdom, P remains liable to be detained in pursuance of the sentence.
- (4) So long as P, having been removed from prison under this section, remains in the United Kingdom but has not been returned to prison, any duty or power of the Secretary of State under section 28 or 30 is exercisable in relation to P as if P were in prison.
- (5) In this section—
- “liable to removal from the United Kingdom” has the meaning given by section 259 of the Criminal Justice Act 2003;
  - “the relevant part” has the meaning given by section 28.

### **32B Re-entry into United Kingdom of offender removed from prison**

- (1) This section applies if P, having been removed from prison under section 32A, is removed from the United Kingdom.
- (2) If P enters the United Kingdom—
- (a) P is liable to be detained in pursuance of the sentence from the time of P's entry into the United Kingdom;
  - (b) if no direction was given by the Parole Board under subsection (5) of section 28 before P's removal from prison, that section applies to P;
  - (c) if such a direction was given before that removal, P is to be treated as if P had been recalled to prison under section 32.
- (3) A person who is liable to be detained by virtue of subsection (2)(a) is, if at large, to be taken for the purposes of section 49 of the Prison Act 1952 (persons unlawfully at large) to be unlawfully at large.
- (4) Subsection (2)(a) does not prevent P's further removal from the United Kingdom.”

**Status:**

Point in time view as at 15/12/2017.

**Changes to legislation:**

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