



Terrorist Offenders (Restriction of Early Release) Act 2020

2020 CHAPTER 3

Consequential and transitional provision

7 Other consequential amendments: England and Wales

- (1) In section 106A(6) of the Powers of Criminal Courts (Sentencing) Act 2000 (Parole Board directions when detention and training order to take effect on release from sentence of detention)—
 - (a) omit “under section 226B or 228 of the 2003 Act”;
 - (b) for “(as the case may be) subsection (2)(b) of section 247 of” substitute “subsection (4)(b) of section 247A of, or paragraph 15(3) of Schedule 20B to,”.
- (2) The Criminal Justice Act 2003 is amended in accordance with subsections (3) to (8).
- (3) In section 256AA (supervision after end of sentence of prisoners serving less than 2 years) in subsection (1), after paragraph (ba) (but before the “or” at the end of it) insert—

“(bb) section 247A applied to the offender in respect of the sentence,”.
- (4) In section 256B (supervision after release of certain young offenders serving less than 12 months) after subsection (1A) insert—

“(1B) But this section does not apply where a person (“the offender”) is released from a sentence in respect of which section 247A applied to the offender.”
- (5) In section 260 (early removal of prisoners liable to removal from the United Kingdom)—
 - (a) in subsection (1), for “subsection (2)” substitute “subsections (2) and (2C)”;
 - (b) in subsection (2A), at the beginning insert “Subject to subsection (2C),”;
 - (c) after subsection (2B) insert—

Status: This is the original version (as it was originally enacted).

- “(2C) Subsections (1) and (2A) do not apply in relation to a prisoner to whom section 247A applies.”;
- (d) at the end insert—
- “(9) Subsection (2C) does not affect the continued liability to detention under subsection (4)(b) of a prisoner removed from prison under this section before subsection (2C) came into force and in such a case—
- (a) the “requisite custodial period” in subsection (4)(b) has the meaning given by section 247A(8), and
- (b) subsection (5) is to be read as including reference to section 247A.”
- (6) In section 261 (re-entry into the United Kingdom of offender removed from prison early)—
- (a) in subsection (5)(b), for “or 247” substitute “, 247 or 247A”;
- (b) in subsection (6), after the definition of “outstanding custodial period”, insert—
- ““requisite custodial period”, in relation to a person to whom section 247A applies, has the meaning given by section 247A(8) (see section 268(1A) for its meaning in other cases);”.
- (7) In section 264 (release on licence of prisoners serving consecutive sentences)—
- (a) in subsection (6), after ““custodial period”” insert “, except if subsection (6A) applies,”;
- (b) after that subsection insert—
- “(6A) In this section “custodial period”, in the case of a sentence imposed on a person to whom section 247A applies, means—
- (a) in relation to an extended sentence imposed under section 226A, 226B, 227 or 228, or a sentence imposed under section 236A, two-thirds of the appropriate custodial term determined by the court under that section;
- (b) in relation to any other sentence, two-thirds of the sentence.”
- (8) In section 268 (interpretation of release provisions) in subsection (1A), after ““the requisite custodial period” means” insert “(except where it has the meaning given by section 247A(8))”.
- (9) In section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for discretionary release)—
- (a) in subsection (2)—
- (i) after paragraph (ba) (but before the “or” at the end of it) insert—
- “(bb) a terrorist prisoner,”;
- (ii) in paragraph (c), after “a person” insert “, other than a terrorist prisoner,”;
- (b) in subsection (3), after paragraph (b) insert—
- “(ba) amend section 247A of the Criminal Justice Act 2003 (restricted eligibility for release on licence of terrorist prisoners);”;
- (c) in subsection (6)—

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

- (i) in the definitions of “extended sentence prisoner” and “section 236A prisoner”, after “a prisoner” insert “, other than a terrorist prisoner.”;
- (ii) at the end insert—
 - ““terrorist prisoner” means a prisoner to whom section 247A of the Criminal Justice Act 2003 applies (or would apply but for the prisoner’s release on licence).”