



Victims and Prisoners Act 2024

2024 CHAPTER 21

PART 4

PRISONERS

Application of Convention rights

69 Section 3 of the Human Rights Act 1998: life prisoners

In Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences), after section 34 insert—

“34A Disapplication of section 3 of the Human Rights Act 1998 to Chapter 2

- (1) Section 3 of the Human Rights Act 1998 (legislation to be read and given effect in way which is compatible with Convention rights) does not apply to this Chapter or any subordinate legislation made under it.
- (2) In this section “subordinate legislation” has the same meaning as in the Human Rights Act 1998 (see section 21 of that Act).”

70 Section 3 of the Human Rights Act 1998: fixed-term prisoners

In Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall of fixed-term prisoners), after section 268 insert—

“268A Disapplication of section 3 of the Human Rights Act 1998 to Chapter 6

- (1) Section 3 of the Human Rights Act 1998 (legislation to be read and given effect in way which is compatible with Convention rights) does not apply to this Chapter or any subordinate legislation made under it.

- (2) In this section “subordinate legislation” has the same meaning as in the Human Rights Act 1998 (see section 21 of that Act).”

71 Section 3 of the Human Rights Act 1998: power to change release test

In section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for release on licence of certain prisoners), after subsection (6) insert—

- “(7) Section 3 of the Human Rights Act 1998 (legislation to be read and given effect in way which is compatible with Convention rights) does not apply to this section or any order made under it.”

72 Application of certain Convention rights in prisoner release cases

- (1) **Subsection (3)** applies where—
- (a) in any proceedings, a court is determining a question which has arisen as to whether a relevant Convention right of a person has been breached, and
 - (b) the alleged breach arose in connection with a decision, under any prisoner release legislation, about whether the person should be released from custody.
- (2) The “prisoner release legislation” is—
- (a) Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences), including subordinate legislation made under that Chapter;
 - (b) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall of fixed-term prisoners), including subordinate legislation made under that Chapter.
- (3) The court must give the greatest possible weight to the importance of reducing the risk to the public from persons who have committed offences in respect of which custodial sentences have been imposed.
- (4) In this section—
- “court” includes a tribunal;
 - “custodial sentence” means a sentence specified in regulations made by the Secretary of State;
 - “relevant Convention right” means any Convention right other than the Convention rights set out in the following Articles of the Convention—
 - (a) Article 2 (right to life);
 - (b) Article 3 (prohibition of torture);
 - (c) Article 4(1) (prohibition of slavery);
 - (d) Article 7 (no punishment without law).
- (5) In this section, the following terms have the same meanings as in the Human Rights Act 1998—
- “the Convention”;
 - “Convention right”;
 - “subordinate legislation”.