



# Victims and Prisoners Act 2024

## 2024 CHAPTER 21

### PART 4

#### PRISONERS

##### *Public protection decisions*

#### **58 Public protection decisions: life prisoners**

- (1) Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences) is amended as follows.
- (2) After section 28 insert—

##### **“28ZA Public protection decisions**

- (1) This section applies for the purposes of any public protection decision made by a decision-maker about a life prisoner under a relevant provision of this Chapter.
- (2) A “public protection decision”, in relation to a prisoner, is a decision as to whether the decision-maker is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (3) The decision-maker must not be so satisfied unless the decision-maker considers that there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm.
- (4) In making that assessment, the decision-maker must consider the risk that the prisoner would engage in conduct which would (or, if carried out in any particular part of the United Kingdom, would) constitute an offence specified in Schedule 18B to the Criminal Justice Act 2003.

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- (5) When making a public protection decision about a prisoner, the following matters must be taken into account by the decision-maker—
- (a) the nature and seriousness of the offence in respect of which the relevant sentence was imposed;
  - (b) the nature and seriousness of any other offence for which the prisoner has at any time been convicted;
  - (c) the conduct of the prisoner while serving the relevant sentence (whether in prison or on licence);
  - (d) the risk that the prisoner would commit a further offence (whether or not specified in Schedule 18B to the Criminal Justice Act 2003) if no longer confined;
  - (e) the risk that, if released on licence, the prisoner would fail to comply with one or more licence conditions;
  - (f) any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence;
  - (g) any submissions made by or on behalf of the prisoner or the Secretary of State (whether or not on a matter mentioned in paragraphs (a) to (f)).
- (6) When making a public protection decision about a prisoner, the decision-maker must in particular have regard to the protection of any victim of the prisoner.
- (7) For the purposes of subsection (6), a “victim” of a prisoner is a person who meets the definition of victim in [section 1](#) of the Victims and Prisoners Act 2024 by reference to the conduct which constituted the offence for which the relevant sentence was imposed.
- (8) In subsections (5) and (7), “relevant sentence” means the sentence in respect of which the public protection decision is made.
- (9) This section does not limit the matters which the decision-maker must or may take into account when making a public protection decision.
- (10) The “relevant provisions” of this Chapter under which a public protection decision may be made, and the purposes for which the decision is made, are—
- (a) [section 28\(6\)\(b\)](#), for the purposes of [section 28\(5\)](#);
  - (b) [section 32\(5A\)](#), for the purposes of [section 32\(5\)](#);
  - (c) [subsection \(1\) of section 32ZAC](#), for the purposes of that subsection.
- (11) The “decision-maker”, in relation to a public protection decision made under a relevant provision of this Chapter, is—
- (a) if the decision is made under [section 28\(6\)\(b\)](#) or [section 32\(5A\)](#), the Parole Board;
  - (b) if the decision is made under [section 32ZAC\(1\)](#), the High Court.
- (12) [Subsection \(2\)](#) has effect in relation to a decision made by the Parole Board under [section 32\(5A\)](#) (recall of life prisoners while on licence) as if for the words “be confined” there were substituted “remain in prison”.
- (3) In [section 28A](#) (murder or manslaughter: prisoner’s non-disclosure of information)—

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- (a) in subsection (1), in the words before paragraph (a), after “life prisoner” insert “under section 28(6)(b), for the purposes of section 28(5),”;
  - (b) in subsection (5), for the definition of “public protection decision” substitute—
    - ““public protection decision” has the meaning given by [section 28ZA\(2\)](#).”.
- (4) In section 28B (indecent images: prisoner’s non-disclosure of information)—
- (a) in subsection (1), in the words before paragraph (a), after “life prisoner” insert “under section 28(6)(b), for the purposes of section 28(5),”;
  - (b) in subsection (7), for the definition of “public protection decision” substitute—
    - ““public protection decision”, in relation to a prisoner, has the meaning given by [section 28ZA\(2\)](#).”.
- (5) In section [32ZZA](#) (imprisonment or detention for public protection: powers in relation to release of recalled prisoners) (inserted by [section 66](#) of this Act), after subsection (3) insert—
- “(3A) The Secretary of State must not be satisfied as mentioned in subsection (3) unless the Secretary of State considers that there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm (and [section 28ZA\(4\)](#) applies for the purposes of that assessment).”

## **59 Public protection decisions: fixed-term prisoners**

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) After section 237 insert—

### **“237A Public protection decisions**

- (1) This section applies for the purposes of any public protection decision made by a decision-maker about a prisoner under a relevant provision of this Chapter.
- (2) A “public protection decision”, in relation to a prisoner, is a decision as to whether the decision-maker is satisfied that it is not necessary, or no longer necessary, for the protection of the public that the prisoner should be confined.
- (3) The decision-maker must not be so satisfied unless the decision-maker considers that there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm.
- (4) In making that assessment, the decision-maker must consider the risk that the prisoner would engage in conduct which would (or, if carried out in any particular part of the United Kingdom, would) constitute an offence specified in Schedule 18B.
- (5) When making a public protection decision about a prisoner, the following matters must be taken into account by the decision-maker—

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- (a) the nature and seriousness of the offence in respect of which the relevant sentence was imposed;
  - (b) the nature and seriousness of any other offence for which the prisoner has at any time been convicted;
  - (c) the conduct of the prisoner while serving the relevant sentence (whether in prison or on licence);
  - (d) the risk that the prisoner would commit a further offence (whether or not specified in Schedule 18B) if no longer confined;
  - (e) the risk that, if released on licence, the prisoner would fail to comply with one or more licence conditions;
  - (f) any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence;
  - (g) any submissions made by or on behalf of the prisoner or the Secretary of State (whether or not on a matter mentioned in paragraphs (a) to (f)).
- (6) When making a public protection decision about a prisoner, the decision-maker must in particular have regard to the protection of any victim of the prisoner.
- (7) For the purposes of [subsection \(6\)](#), a “victim” of a prisoner is a person who meets the definition of victim in [section 1](#) of the Victims and Prisoners Act 2024 by reference to the conduct which constituted the offence for which the relevant sentence was imposed.
- (8) In [subsections \(5\) and \(7\)](#), “relevant sentence” means the sentence in respect of which the public protection decision is made.
- (9) This section does not limit the matters which the decision-maker must or may take into account when making a public protection decision.
- (10) [Section 237B](#) lists the “relevant provisions” of this Chapter under which a public protection decision may be made, and the purposes for which the decision is made.
- (11) The “decision-maker”, in relation to a public protection decision made under a relevant provision of this Chapter, is—
- (a) if the decision is made under [section 256AZBC\(1\)](#), the High Court;
  - (b) in any other case, the Board.
- (12) [Subsection \(2\)](#) has effect in relation to a decision made by the Board—
- (a) under [section 255B\(4A\)](#) (automatic release) as if for the words “be confined” there were substituted “remain in prison until the end of the period mentioned in [section 255B\(1\)\(b\)](#)”;
  - (b) under [section 255C\(4A\)](#) (prisoners not suitable for automatic release) or [section 256A\(4\)](#) (further review) as if for the words “be confined” there were substituted “remain in prison”.
- (13) The Secretary of State may by order amend [Schedule 18B](#) so as to—
- (a) specify a further offence, or
  - (b) omit an offence for the time being specified.

### 237B Relevant provisions of this Chapter and corresponding purposes

In the following table—

- (a) the first column lists each provision of this Chapter which is a “relevant provision” under which a public protection decision may be made;
- (b) the second column lists, in relation to each relevant provision, the purposes for which the decision is made.

Relevant provision	Purposes
section 244ZC(4)	section 244ZC(3)
section 244ZC(5)(b)	section 244ZC(3)
section 244A(4)(b)	section 244A(3)
section 246A(6)(b)	section 246A(5)
section 247A(5)(b)	section 247A(4)
section 255B(4A)	section 255B(4A)
section 255C(4A)	section 255C(4A)
section 256A(4)	section 256A(4)
section <a href="#">256AZBC(1)</a>	<a href="#">section 256AZBC(1)</a>
paragraph 6(2) of Schedule 20B	paragraph 6(1) of Schedule 20B
paragraph 15(4) of Schedule 20B	paragraph 15(3) of Schedule 20B
paragraph 25(3) of Schedule 20B	paragraph 25(2) of Schedule 20B
paragraph 28(3) of Schedule 20B	paragraph 28(2) of Schedule 20B”.

- (3) In section 246B (manslaughter: prisoner’s non-disclosure of information)—
  - (a) in subsection (1), in the words before paragraph (a), after “a prisoner” insert “under section 246A(6)(b), for the purposes of section 246A(5),”;
  - (b) in subsection (5), for the definition of “public protection decision” substitute—

““public protection decision” has the meaning given by [section 237A\(2\)](#).”.
- (4) In section 246C (indecent images: prisoner’s non-disclosure of information)—
  - (a) in subsection (1), in the words before paragraph (a), after “a prisoner” insert “under section 246A(6)(b), for the purposes of section 246A(5),”;
  - (b) in subsection (6), for the definition of “public protection decision” substitute—

““public protection decision”, in relation to a prisoner, has the meaning given by [section 237A\(2\)](#).”.
- (5) In section 255B (automatic release), after subsection (3) insert—

“(3A) The Secretary of State must not be satisfied as mentioned in subsection (3) unless the Secretary of State considers that there is no more than a minimal risk that, if P were released before the end of the period mentioned in subsection (1)

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- (b), P would commit a further offence the commission of which would cause serious harm (and [section 237A\(4\)](#) applies for the purposes of that assessment).”
- (6) In section 255C (prisoners not suitable for automatic release), after subsection (3) insert—
- “(3A) The Secretary of State must not be satisfied as mentioned in subsection (3) unless the Secretary of State considers that there is no more than a minimal risk that, if P were released, P would commit a further offence the commission of which would cause serious harm (and [section 237A\(4\)](#) applies for the purposes of that assessment).”
- (7) In section 256AZB (power to change test for release following recall), after subsection (2) insert—
- “(3) Provision made in an order under subsection (1)(c) by virtue of section 330(4) (consequential etc provision) may in particular amend, or modify the application of, [section 256AZBC\(1\)](#) (powers of High Court on referral of release decisions).”
- (8) In section 330 (orders and rules), in subsection (5)(a), before “section 246(5)” insert—  
“[section 237A\(13\)](#),”.
- (9) Schedule 18B (offences relevant to public protection decisions) is inserted by Schedule 2 to this Act.
- (10) Schedule 20B (modifications of Chapter 6 of Part 12 in certain transitional cases) is amended in accordance with subsections (11) and (12).
- (11) In paragraph 38 (manslaughter: prisoner’s non disclosure of information)—
- (a) in sub-paragraph (1), in the words before paragraph (a), after “making a” insert “relevant”;
  - (b) in sub-paragraph (2), in the words before paragraph (a), after “making the” insert “relevant”;
  - (c) in sub-paragraph (3), after “making a” insert “relevant”;
  - (d) in sub-paragraph (4), for the definition of “public protection decision” substitute—  
““public protection decision” has the meaning given by [section 237A\(2\)](#);  
“relevant public protection decision” means the public protection decision made—
- (a) under paragraph 6(2) for the purposes of paragraph 6(1),
  - (b) under paragraph 15(4) for the purposes of paragraph 15(3),
  - (c) under paragraph 25(3) for the purposes of paragraph 25(2), or
  - (d) under paragraph 28(3) for the purposes of paragraph 28(2);”.
- (12) In paragraph 39 (indecent images: prisoner’s non disclosure of information)—
- (a) in sub-paragraph (1), in the words before paragraph (a), after “making a” insert “relevant”;
  - (b) in sub-paragraph (2), in the words before paragraph (a), after “making the” insert “relevant”;
  - (c) in sub-paragraph (3), after “making a” insert “relevant”;
  - (d) in sub-paragraph (5)—

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- (i) for the definition of “public protection decision” substitute—  
““public protection decision”, in relation to a prisoner, has the meaning given by [section 237A\(2\)](#).”;
- (ii) after the definition of “relevant indecent image” insert—  
““relevant public protection decision”, in relation to a prisoner, means the public protection decision made—
  - (a) under paragraph 6(2) for the purposes of paragraph 6(1),
  - (b) under paragraph 15(4) for the purposes of paragraph 15(3),
  - (c) under paragraph 25(3) for the purposes of paragraph 25(2), or
  - (d) under paragraph 28(3) for the purposes of paragraph 28(2).”

## **60 Amendment of power to change test for release on licence of certain prisoners**

- (1) Section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for release on licence of certain prisoners) is amended as follows.
- (2) In subsection (3)—
  - (a) after paragraph (a) insert—  
“(aza) amend [section 28ZA](#) of the Crime (Sentences) Act 1997 (public protection decisions), as that section applies for the purposes of section 28 or 32 of that Act.”;
  - (b) after paragraph (aa) insert—  
“(aaza) amend [section 237A](#) of the Criminal Justice Act 2003 (public protection decisions), as that section applies for the purposes of a provision of that Act mentioned in any of paragraphs (aaa) to (c) below.”.
- (3) After subsection (3) insert—  
“(3A) Provision made in an order under this section by virtue of subsection (3) (f) may in particular amend, or modify the application of, the following provisions—
  - (a) [section 32ZAC\(1\)](#) of the Crime (Sentences) Act 1997 (powers of High Court on referral of release decisions);
  - (b) [section 256AZBC\(1\)](#) of the Criminal Justice Act 2003 (powers of High Court on referral of release decisions).”

### *Referral of release decisions*

## **61 Referral of release decisions: life prisoners**

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

*“Referral of release decisions to High Court*

**32ZAA Referral of release decisions to High Court**

- (1) This section applies where—
  - (a) a prisoner is serving a life sentence imposed in respect of an offence specified or described in [section 32ZAB](#), and
  - (b) the Parole Board directs the prisoner’s release under section 28(5) or 32(5).
- (2) The Secretary of State may direct the Parole Board to refer the prisoner’s case to the High Court if the Secretary of State considers that—
  - (a) the release of the prisoner would be likely to undermine public confidence in the parole system, and
  - (b) if the case were referred, the High Court might not be satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined (see [section 32ZAC\(1\)](#)).
- (3) The requirement for the Secretary of State to give effect to the Parole Board’s direction to release the prisoner is suspended—
  - (a) during such period, beginning with the day on which the direction is given, as the Secretary of State reasonably requires to determine whether to direct the Parole Board to refer the prisoner’s case to the High Court under this section, and
  - (b) if the Secretary of State gives such a direction, pending determination of the reference under [section 32ZAC\(1\)](#).
- (4) Where the Secretary of State gives a direction under [subsection \(2\)](#), the Secretary of State must notify the prisoner of the direction and the reasons for giving it.
- (5) This section applies in relation to a prisoner whose sentence was imposed before, as well as after, this section comes into force.
- (6) But nothing in this section affects the duty of the Secretary of State to release a prisoner whose release has been directed by the Parole Board before this section comes into force.

**32ZAB Specified offences**

- (1) The offences specified or described in this section (for the purposes of [section 32ZAA](#)) are—
  - (a) murder;
  - (b) an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004, where a child has died as a result of the prisoner’s unlawful act;
  - (c) an offence specified in any of paragraphs 41 to 43 of Schedule 18 to the Sentencing Code (specified terrorism offences other than inchoate offences);



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- (d) an offence that is not an inchoate offence and was determined to have a terrorist connection, within the meaning given by section 247A(7A) of the Criminal Justice Act 2003;
  - (e) an offence under section 1 of the Sexual Offences Act 2003 (rape);
  - (f) an offence under section 5 of that Act (rape of a child under 13);
  - (g) an offence under section 1 of the Sexual Offences (Scotland) Act 2009 (asp 9) (rape);
  - (h) an offence under section 18 of that Act (rape of a young child);
  - (i) an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) (rape);
  - (j) an offence under Article 12 of that Order (rape of a child under 13);
  - (k) an offence that—
    - (i) is abolished, and
    - (ii) would have constituted an offence referred to in paragraphs (a) to (j) if committed on or after the date on which it was abolished.
- (2) A sentence in respect of a service offence is to be treated for the purposes of section 32ZAA as if it were a sentence in respect of the corresponding offence.
- (3) In subsection (2)—
- (a) “service offence” means an offence under—
    - (i) section 42 of the Armed Forces Act 2006,
    - (ii) section 70 of the Army Act 1955 or the Air Force Act 1955, or
    - (iii) section 42 of the Naval Discipline Act 1957;
  - (b) “corresponding offence” means—
    - (i) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section;
    - (ii) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act;
    - (iii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section.

### **32ZAC Powers of the High Court**

- (1) On a referral of a prisoner’s case under section 32ZAA, the High Court—
- (a) must, if satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined, make an order requiring the Secretary of State to give effect to the Parole Board’s direction to release the prisoner on licence;
  - (b) otherwise, must make an order quashing the Parole Board’s direction to release the prisoner on licence.
- (2) An order under subsection (1)(a) may include directions as to the conditions to be included in the prisoner’s licence on release.

- (3) An order under subsection (1)(b) has effect as if the prisoner’s case were disposed of by the Parole Board on the date on which the order was made.”
- (2) In section 32ZB of the Crime (Sentences) Act 1997 (release at direction of Parole Board: timing)—
- (a) in subsection (1), at the end insert “(including where the High Court makes an order under [section 32ZAC\(1\)\(a\)](#) requiring the Secretary of State to give effect to such a direction)”;
- (b) in subsection (3), after “subject to” insert “—
- “(a) [section 32ZAA\(3\)](#) (suspension of duty to release prisoner pending referral to High Court or decision whether to refer), and
- (b)”.

## 62 Referral of release decisions: fixed-term prisoners

- (1) After section 256AZB of the Criminal Justice Act 2003 insert—

### *“Referral of release decisions to High Court*

#### **256AZBA Referral of release decisions to High Court**

- (1) This section applies where—
- (a) a prisoner is serving a fixed-term sentence imposed in respect of an offence specified or described in [section 256AZBB](#), and
- (b) the Board directs the prisoner’s release under a provision mentioned in the second column of the table in [section 237B](#).
- (2) The Secretary of State may direct the Board to refer the prisoner’s case to the High Court if the Secretary of State considers that—
- (a) the release of the prisoner would be likely to undermine public confidence in the parole system, and
- (b) if the case were referred, the High Court might not be satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined (see [section 256AZBC\(1\)](#)).
- (3) The requirement for the Secretary of State to give effect to the Board’s direction to release the prisoner is suspended—
- (a) during such period, beginning with the day on which the direction is given, as the Secretary of State reasonably requires to determine whether to direct the Board to refer the prisoner’s case to the High Court under this section, and
- (b) if the Secretary of State gives such a direction, pending determination of the reference under [section 256AZBC\(1\)](#).
- (4) Where the Secretary of State gives a direction under [subsection \(2\)](#), the Secretary of State must notify the prisoner of the direction and the reasons for giving it.
- (5) This section applies in relation to a prisoner whose sentence was imposed before, as well as after, this section comes into force.

- (6) But nothing in this section affects the duty of the Secretary of State to release a prisoner whose release has been directed by the Board before this section comes into force.

### **256AZBB Specified offences**

- (1) The offences specified or described in this section (for the purposes of [section 256AZBA](#)) are—
- (a) an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004, where a child has died as a result of the prisoner’s unlawful act;
  - (b) an offence specified in any of paragraphs 41 to 43 of Schedule 18 to the Sentencing Code (specified terrorism offences other than inchoate offences);
  - (c) an offence that is not an inchoate offence and was determined to have a terrorist connection, within the meaning given by section 247A(7A);
  - (d) an offence under section 1 of the Sexual Offences Act 2003 (rape);
  - (e) an offence under section 5 of that Act (rape of a child under 13);
  - (f) an offence under section 1 of the Sexual Offences (Scotland) Act 2009 ([asp 9](#)) (rape);
  - (g) an offence under section 18 of that Act (rape of a young child);
  - (h) an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008 ([S.I. 2008/1769 \(N.I. 2\)](#)) (rape);
  - (i) an offence under Article 12 of that Order (rape of a child under 13);
  - (j) an offence that—
    - (i) is abolished, and
    - (ii) would have constituted an offence referred to in paragraphs (a) to (i) if committed on or after the date on which it was abolished.
- (2) A sentence in respect of a service offence is to be treated for the purposes of [section 256AZBA](#) as if it were a sentence in respect of the corresponding offence.
- (3) In [subsection \(2\)](#)—
- (a) “service offence” means an offence under—
    - (i) section 42 of the Armed Forces Act 2006,
    - (ii) section 70 of the Army Act 1955 or the Air Force Act 1955, or
    - (iii) section 42 of the Naval Discipline Act 1957;
  - (b) “corresponding offence” means—
    - (i) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section;
    - (ii) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act;
    - (iii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section.

**256AZBC Powers of the High Court**

- (1) On a referral of a prisoner’s case under [section 256AZBA](#), the High Court—
    - (a) must, if satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined, make an order requiring the Secretary of State to give effect to the Board’s direction to release the prisoner on licence;
    - (b) otherwise, must make an order quashing the direction.
  - (2) An order under subsection (1)(a) may include directions as to the conditions to be included in the prisoner’s licence on release.
  - (3) An order under subsection (1)(b) has effect as if the prisoner’s case were disposed of by the Board on the date on which the order was made.
  - (4) If the decision referred to the High Court is a decision under section 255B(4A) (automatic release), subsection (1)(a) has effect as if for the words “be confined” there were substituted “remain in prison until the end of the period mentioned in section 255B(1)(b)”.
- (2) In section 256AZC of the Criminal Justice Act 2003 (release at direction of Parole Board: timing)—
- (a) in subsection (1), at the end insert “(including where the High Court makes an order under [section 256AZBC\(1\)\(a\)](#) requiring the Secretary of State to give effect to such a direction)”;
  - (b) in subsection (3), after “subject to” insert “—
    - (a) [section 256AZBA\(3\)](#) (suspension of duty to release prisoner pending referral to High Court or decision whether to refer), and
    - (b)”.

*Licence conditions on release following referral***63 Licence conditions of life prisoners released following referral**

- (1) Section 31 of the Crime (Sentences) Act 1997 (duration and conditions of licences) is amended as follows.
- (2) In subsection (3), before paragraph (b) (and the “or” before it) insert—
 

“(ab) in accordance with subsection (3B),”.
- (3) Before subsection (4) insert—
 

“(3B) Where the High Court gives a direction under [section 32ZAC\(2\)](#) as to the conditions to be included in a life prisoner’s licence on release, the Secretary of State—

  - (a) must include the conditions in the prisoner’s licence on release;
  - (b) may subsequently insert a condition in such a licence or vary or cancel a condition of such a licence.”

## **64 Licence conditions of fixed-term prisoners released following referral**

- (1) Section 250 of the Criminal Justice Act 2003 (licence conditions) is amended as follows.
- (2) In subsection (5A), at the beginning insert “Subject to [subsection \(5D\)](#),”.
- (3) After subsection (5C) insert—
  - “(5D) Where the High Court gives a direction under [section 256AZBC\(2\)](#) as to the conditions to be included in a prisoner’s licence on release, the Secretary of State—
    - (a) must include the conditions in the prisoner’s licence on release;
    - (b) may subsequently insert a condition in such a licence or vary or cancel a condition of such a licence.”

### *Assessing etc risks posed by controlling or coercive offenders*

## **65 Assessing etc risks posed by controlling or coercive offenders**

In section 327 of the Criminal Justice Act 2003 (section 325: interpretation), in subsection (4A), after paragraph (c) insert—

- “(ca) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship);”.

### *Imprisonment or detention for public protection*

## **66 Imprisonment or detention for public protection**

- (1) Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences) is amended as follows.
- (2) In section 31 (duration and conditions of licences)—
  - (a) in subsection (3), after paragraph (a) (but before the “or”) insert—
    - “(aa) in accordance with subsection [\(3A\)](#),”;
  - (b) after subsection (3) insert—
    - “(3A) The Secretary of State may include a condition in a life prisoner’s licence on release under [section 32ZZA](#).”
- (3) In section 31A (imprisonment or detention for public protection: termination of licences)—
  - (a) in subsection (2), in the words after paragraph (b), for “shall” substitute “must”;
  - (b) in subsection (3)—
    - (i) at the end of paragraph (a) insert “and”;
    - (ii) omit paragraph (c) and the “and” before it;
  - (c) for subsection (4) substitute—
    - “(4) Where a reference is made under subsection (3) above—

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

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- (a) the Parole Board must direct the Secretary of State to make an order that the licence is to cease to have effect, unless [paragraph \(b\)](#) applies;
- (b) if the Parole Board is satisfied that it is necessary for the protection of the public that the licence should remain in force, it must dismiss the reference.”;
- (d) omit subsections (4A) to (4C) and insert—

“(4D) The reference under subsection (3) must not be made, and a reference under that subsection must not be determined by the Parole Board under [subsection \(4\)](#), if at the time the reference or determination would otherwise be made the prisoner is in prison having been recalled under section 32.

(4E) [Subsection \(4F\)](#) applies where—

- (a) but for [subsection \(4D\)](#), a reference of the prisoner’s case would have been made under subsection (3) or determined by the Parole Board under [subsection \(4\)](#),
- (b) the Secretary of State has referred the prisoner’s case to the Parole Board under section 28 or 32, and
- (c) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.

(4F) Where this subsection applies—

- (a) the Parole Board must direct the Secretary of State to release the prisoner unconditionally, unless [paragraph \(b\)](#) applies;
- (b) if the Parole Board is satisfied that it is necessary for the protection of the public for the prisoner, when released, to be released on licence in respect of the preventive sentence or sentences, it must not give a direction under [paragraph \(a\)](#).

(4G) Where the Parole Board gives a direction under [subsection \(4F\)\(a\)](#)—

- (a) section 28(5) has effect in relation to the prisoner as if for “release him on licence” there were substituted “release the prisoner unconditionally”;
- (b) section 32(5) has effect in relation to the prisoner as if for “give effect to the direction” there were substituted “release the prisoner unconditionally”.

(4H) Where—

- (a) the prisoner has been released on licence under this Chapter (whether or not the prisoner has subsequently been recalled to prison under section 32),
- (b) the qualifying period has expired, and
- (c) the prisoner’s licence has remained in force for a continuous period of two years—
  - (i) beginning not before the qualifying period expired, and
  - (ii) ending after the coming into force of [section 66\(3\)\(d\)](#) of the Victims and Prisoners Act 2024,

the Secretary of State must order that the licence is to cease to have effect.”;

- (e) in subsection (5)—
    - (i) for the definition of “preventive sentence” substitute—
      - ““preventive sentence” means—
      - (a) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006), or
      - (b) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006);”;
    - (ii) in the definition of “the qualifying period”, for the words from “the period” to the end of the definition substitute “—
      - (a) if the prisoner was not at any time in the period of two years beginning with the date of the prisoner’s release serving any preventive sentence in respect of an offence for which the prisoner was convicted when aged 18 or over, that two year period;
      - (b) otherwise, the period of three years beginning with the date of the prisoner’s release.”;
  - (f) after subsection (5) insert—
    - “(6) The Secretary of State may by regulations made by statutory instrument amend subsection (5) to change the length of the qualifying period for the time being specified in paragraph (a) or (b) of the definition of “the qualifying period”.
    - (7) A statutory instrument containing regulations under [subsection \(6\)](#) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (4) In section 32 (recall of life prisoners while on licence)—
- (a) after subsection (1) insert—
    - “(1A) Subsection (1) does not apply in relation to a prisoner in respect of whom the Secretary of State is required to make an order under section 31A(2) or (4H) that the licence is to cease to have effect.”;
  - (b) after subsection (5A) insert—
    - “(5B) [Subsection \(5C\)](#) applies where the Secretary of State releases, under subsection (5) above, a prisoner to whom section 31A (termination of licences of preventive sentence prisoners) applies.
    - (5C) The Secretary of State may determine that, for the purposes of paragraph (c) of section 31A(4H) (automatic licence termination), the prisoner’s licence is to be treated as having remained in force as if it had not been revoked under this section.
    - (5D) The Secretary of State may only make a determination under [subsection \(5C\)](#) if the Secretary of State considers that it is in the interests of justice to do so.

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(5E) Where the Secretary of State makes a determination under [subsection \(5C\)](#), the Secretary of State must notify the prisoner.”

(5) After section 32 insert—

**“32ZZA Imprisonment or detention for public protection: powers in relation to release of recalled prisoners**

- (1) This section applies where a prisoner to whom section 31A (termination of licences of preventive sentence prisoners) applies—
  - (a) has been released on licence under this Chapter, and
  - (b) is recalled to prison under section 32.
- (2) The Secretary of State may, at any time after the prisoner is returned to prison, release the prisoner again on licence under this Chapter.
- (3) The Secretary of State must not release the prisoner under [subsection \(2\)](#) unless satisfied that it is no longer necessary for the protection of the public that the prisoner should remain in prison.
- (4) Where the prisoner is released under [subsection \(2\)](#), the Secretary of State may determine that, for the purposes of paragraph (c) of section 31A(4H) (automatic licence termination), the prisoner’s licence is to be treated as having remained in force as if it had not been revoked under section 32.
- (5) The Secretary of State may only make a determination under [subsection \(4\)](#) if the Secretary of State considers that it is in the interests of justice to do so.
- (6) Where the Secretary of State makes a determination under [subsection \(4\)](#), the Secretary of State must notify the prisoner.
- (7) In this section, “preventive sentence” means—
  - (a) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006), or
  - (b) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006).”

**67 Imprisonment or detention for public protection: annual report**

- (1) The Secretary of State must, as soon as is reasonably practicable after the end of each reporting period—
  - (a) prepare and publish a report about the steps taken by the Secretary of State in the reporting period to support the rehabilitation of preventive sentence prisoners and their progress towards release from prison or licence termination, and
  - (b) lay the report before Parliament.
- (2) For these purposes, in relation to a preventive sentence prisoner—



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- (a) “release from prison” means the prisoner’s release on licence under section 28(5) or 32(5) of the 1997 Act or unconditional release under either of those sections as modified by section 31A(4G) of that Act;
  - (b) “licence termination” means an order, under section 31A(2) or (4H) of the 1997 Act, that the licence on which the prisoner was released from prison is to cease to have effect.
- (3) The report must in particular contain details of the steps taken in relation to the following—
- (a) preventive sentence prisoners who are female;
  - (b) preventive sentence prisoners who at any time in the reporting period were serving a sentence mentioned in paragraph (b) of the definition of preventive sentence (detention for public protection for serious offences committed by those under 18).
- (4) The report must also contain details of the persons the Secretary of State has consulted in the reporting period in relation to the matters mentioned in [subsection \(1\)\(a\)](#).
- (5) In this section—
- “the 1997 Act” means the Crime (Sentences) Act 1997;
  - “life sentence” has the meaning given by section 34(2) of the 1997 Act;
  - “preventive sentence” means—
    - (a) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006), or
    - (b) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006);
  - “preventive sentence prisoner”, in relation to a reporting period, means a prisoner who—
    - (a) was serving one or more preventive sentences at any time in the period, and
    - (b) was not serving any other life sentence at any time in the period;
  - “reporting period” means—
    - (a) the period beginning with the day on which this section comes into force and ending with 31 March following that day, and
    - (b) each successive period of 12 months.

#### *Extension of home detention curfew*

### **68 Extension of home detention curfew**

- (1) Section 246 of the Criminal Justice Act 2003 (release of prisoners on licence before required to do so) is amended as follows.
- (2) In subsection (1), after “fixed-term prisoner” insert “, other than one to whom section 244ZA, 244A, 246A, 247, 247A or 247B or paragraph 4 or 24 of Schedule 20B applies,”.
- (3) In subsection (4)—

- (a) omit paragraphs (a) to (ab);
  - (b) after paragraph (ab) insert—
    - “(ac) the prisoner is one to whom section 244ZA would apply if—
      - (i) section 244ZA(4)(c), (5)(c) and (6)(c) were omitted,
      - (ii) the reference in section 244ZA(5)(a) to section 262 of the Sentencing Code were read as including a reference to section 96 of the PCC(S)A 2000, and
      - (iii) the reference in section 244ZA(6)(a) to section 250 of the Sentencing Code were read as including a reference to section 91 of the PCC(S)A 2000,”;
  - (c) in paragraph (g) for “at any time” substitute “during the currency of the sentence”;
  - (d) for paragraph (ga) substitute—
    - “(ga) the following apply—
      - (i) the prisoner has been released on licence under this section in relation to a previous sentence and has been recalled to prison under section 255(1)(a) (and the revocation of the licence has not been cancelled under section 255(3)), and
      - (ii) the requisite custodial period in relation to the previous sentence ended less than 2 years before the day on which the current sentence began,
    - (gb) the following apply—
      - (i) the prisoner has been released on licence under section 34A of the Criminal Justice Act 1991 in relation to a previous sentence and has been recalled to prison under section 38A(1)(a) of that Act (and the revocation of the licence has not been cancelled under section 38A(3) of that Act), and
      - (ii) the requisite custodial period in relation to the previous sentence ended less than 2 years before the day on which the current sentence began,”;
  - (e) omit paragraph (ha) (but not the “or” at the end of it).
- (4) Omit subsection (4ZA).

*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”.

### *The Parole Board*

#### **73 Parole Board rules**

(1) Section 239 of the Criminal Justice Act 2003 (the Parole Board) is amended as follows.

- (2) In subsection (5), for the words after “including” to the end substitute “rules—
- (a) authorising cases to be dealt with by a prescribed number of its members;
  - (b) requiring cases to be dealt with by, or by members including, members of a prescribed description;
  - (c) requiring cases to be dealt with at prescribed times.”

(3) After subsection (5C) insert—

“(5D) Rules under subsection (5) may also make provision for functions of the Board (including judicial functions) to be exercised by employees of the Board, other than any function so far as its exercise involves—

- (a) making a public protection decision in relation to a prisoner within the meaning of section 237A(2) of this Act or section 28ZA(2) of the 1997 Act;
- (b) giving a direction for the release of a prisoner on licence under this Chapter or under Chapter 2 of Part 2 of the 1997 Act;
- (c) making a decision or giving a direction under subsection (4) or (4F) of section 31A of the 1997 Act (imprisonment or detention for public protection: termination of licences);
- (d) reconsidering a decision or setting aside a decision or direction under provision made by virtue of subsection (5A).”

#### **74 Parole Board membership**

(1) Paragraph 2 of Schedule 19 to the Criminal Justice Act 2003 (membership of the Parole Board) is amended as follows.

(2) In sub-paragraph (1), for “four” substitute “five”.

(3) In sub-paragraph (2)—

- (a) omit the “and” at the end of paragraph (c);

- (b) after paragraph (d) insert “; and
  - (e) a person appearing to the Secretary of State to have experience of law enforcement in a part of the United Kingdom.”.

(4) After sub-paragraph (2) insert—

“(2A) “Law enforcement” means the prevention, detection or investigation of offences.”

*Whole life prisoners prohibited from forming a marriage or civil partnership*

**75 Whole life prisoners prohibited from forming a marriage**

(1) After section 2 of the Marriage Act 1949 insert—

**“2A Marriages of whole life prisoners**

- (1) A person (“A”) may not marry another person if A—
  - (a) is serving a life sentence in a prison or other place of detention, and
  - (b) is subject to a whole life order.
- (2) But subsection (1) does not apply if A has permission from the Secretary of State to marry the other person.
- (3) The Secretary of State may not give permission under subsection (2) unless satisfied that exceptional circumstances exist which justify the permission being given.
- (4) A marriage solemnized in contravention of subsection (1) is void.
- (5) In this section—
  - “life sentence” has the meaning given by section 34(2) of the Crime (Sentences) Act 1997;
  - “whole life order” means an order that section 28(5) to (8) of that Act (early release of person serving life sentence) is not to apply to a person.
- (6) A person is to be treated for the purposes of this section as being subject to a whole life order if—
  - (a) the person is serving a life sentence passed before 18 December 2003,
  - (b) the sentence was passed in circumstances where the sentence was fixed by law,
  - (c) before 18 December 2003 the person was notified in writing by the Secretary of State (otherwise than in a notice expressed to be provisional) that the Secretary of State does not intend that the person should ever be released on licence, and
  - (d) an order has not been made in relation to the sentence under paragraph 3(1)(a) of Schedule 22 to the Criminal Justice Act 2003 (mandatory life sentences: transitional cases).”

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- (2) In section 27ZA of the Marriage Act 1949 (circumstances in which a notice of marriage is not to be recorded in the marriage register), in paragraph (a), at the appropriate place insert—  
“section 27A(3A);”.
- (3) In section 27A of the Marriage Act 1949 (additional information required in certain cases)—
- (a) in subsection (3) (case where marriage intended to be solemnized at detained person’s residence)—
    - (i) omit the “and” at the end of paragraph (a);
    - (ii) at the end of paragraph (b) insert “; and
    - (c) stating whether the person is serving a life sentence and, if so, whether the person is subject to a whole life order.”;
  - (b) after subsection (3) insert—  
“(3A) Where the relevant person is a detained person who is serving a life sentence and is subject to a whole life order, each notice of marriage required by section 27 of this Act must also be accompanied by a statement made by the Secretary of State not more than twenty-one days before the date on which notice of the marriage is given under section 27 stating that the relevant person has the permission required by section 2A(2).”;
  - (c) in subsection (6), for “or (as the case may be) (3)” substitute “, (3) or (3A)”;
  - (d) in subsection (7), before the definition of “medical statement” insert—  
““life sentence” and “whole life order” have the meanings given by section 2A(5) of this Act and section 2A(6) (persons treated as being subject to a whole life order) applies for the purposes of this section; and”.
- (4) In section 11(a) of the Matrimonial Causes Act 1973 (grounds on which a marriage is void), omit the “or” at the end of sub-paragraph (ii) and insert—  
“(ia) the marriage is solemnized in contravention of section 2A of the Marriage Act 1949; or”.

## 76 Whole life prisoners prohibited from forming a civil partnership

- (1) Section 3 of the Civil Partnership Act 2004 (eligibility) is amended in accordance with subsections (2) to (4).
- (2) In subsection (1)—
- (a) omit the “or” at the end of paragraph (c), and
  - (b) after paragraph (d) insert “, or
  - (e) either of them is serving a life sentence in a prison or other place of detention and is subject to a whole life order.”
- (3) After subsection (1) insert—  
“(1A) But two people are not ineligible to register as civil partners of each other by reason of either of them falling within paragraph (e) of subsection (1) if each of them falling within that paragraph has permission from the Secretary of State to register as a civil partner of the other.

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- (1B) The Secretary of State may not give permission under subsection (1A) unless satisfied that exceptional circumstances exist which justify the permission being given.”
- (4) After subsection (2) insert—
- “**(3)** In this section—
- “life sentence” has the meaning given by section 34(2) of the Crime (Sentences) Act 1997;
- “whole life order” means an order that section 28(5) to (8) of that Act (early release of person serving life sentence) is not to apply to a person.
- (4) A person is to be treated for the purposes of this section as being subject to a whole life order if—
- (a) the person is serving a life sentence passed before 18 December 2003,
- (b) the sentence was passed in circumstances where the sentence was fixed by law,
- (c) before 18 December 2003 the person was notified in writing by the Secretary of State (otherwise than in a notice expressed to be provisional) that the Secretary of State does not intend that the person should ever be released on licence, and
- (d) an order has not been made in relation to the sentence under paragraph 3(1)(a) of Schedule 22 to the Criminal Justice Act 2003 (mandatory life sentences: transitional cases).”
- (5) In section 9F of the Civil Partnership Act 2004 (recording of information in the register: compliance with requirements), at the appropriate place insert—
- “section 19**(5A)**,”.
- (6) Section 19 of the Civil Partnership Act 2004 (detained persons) is amended in accordance with **subsections (7) to (9)**.
- (7) In subsection (4) (supporting statement)—
- (a) omit the “and” at the end of paragraph (a);
- (b) after paragraph (b) insert “, and
- (c) states whether the person is serving a life sentence and, if so, whether the person is subject to a whole life order.”
- (8) After subsection (5) insert—
- “(5A) Where the detained person is serving a life sentence and is subject to a whole life order, each notice of proposed civil partnership must also be accompanied by a statement made by the Secretary of State not more than 21 days before the day on which the notice is recorded stating that the detained person has the permission required by section 3**(1A)**.
- (5B) The fact that the registration authority to whom a notice of proposed civil partnership is given has received a statement under **subsection (5A)** must be recorded in the register.”
- (9) After subsection (7) insert—

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

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“(7A) “Life sentence” and “whole life order” have the meanings given by section 3(3) of this Act and section 3(4) (persons treated as being subject to a whole life order) applies for the purposes of this section.”