



Victims and Prisoners Act 2024

2024 CHAPTER 21

PART 4

PRISONERS

Referral of release decisions

PROSPECTIVE

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 prisoner is serving a fixed-term sentence imposed in respect of an offence specified or described in [section 256AZBB](#), and
 - 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—
- the release of the prisoner would be likely to undermine public confidence in the parole system, and
 - 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\(1\)](#)).

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Section 62. (See end of Document for details)

- (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 \(2\)](#)—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Section 62. (See end of Document for details)

- (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)”.

Commencement Information

II S. 62 not in force at Royal Assent, see [s. 81\(2\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Section 62.