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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 35(1) of the Criminal Justice Act 1991 (“the 1991 Act”) provides that after a long-term prisoner has served one-half of his sentence, the Secretary of State may, if recommended to do so by the Parole Board, release him on licence. Section 37(5) of the 1991 Act provides, *inter alia*, that the Secretary of State shall not include on release, or subsequently insert, a condition in the licence of a long-term prisoner, or vary or cancel any such condition, except after consultation with the Board. In relation to a long-term prisoner, section 39(1) of the 1991 Act provides that the Secretary of State may, if recommended to do so by the Board, revoke his licence and recall him to prison, and section 39(2) allows the Secretary of State to revoke his licence in the public interest without such a recommendation.

This Order provides that, in relation to any long-term prisoner who is serving a sentence of imprisonment for a term of less than seven years which was imposed upon him on or after 1st October 1992, the above provisions shall have effect subject to the modifications specified in subsections (2), (3) and (4) of section 50 of the 1991 Act. Section 35(1) is modified by section 50(2) with the effect that the Secretary of State shall, if recommended to do so by the Board, release such a prisoner on licence when he has served one-half of his sentence. Section 37(5) is modified by section 50(3) with the effect that the Secretary of State shall not include on release, or subsequently insert, a condition in the licence of such a prisoner, or vary or cancel any such condition, except in accordance with recommendations of the Board. Section 39 is modified by section 50(4) with the effect that the Secretary of State shall, if recommended to do so by the Board, revoke such a prisoner’s licence and recall him to prison, but may not revoke his licence without the Board’s recommendation.