

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 246 of the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”).

The Secretary of State is required to release prisoners serving fixed-term sentences once they have served the required custodial period, which is set at one half of their sentence by section 243A(3) and 244(3) of the 2003 Act.

Section 246 of the 2003 Act gives the Secretary of State the power to release certain prisoners on Home Detention Curfew, which is a release on licence where they are subject to an electronically monitored curfew in the community. Section 246(1)(a) provides that the release can be up to 135 days before they have served the required custodial period.

Article 2 of this Order amends section 246(1)(a) so that prisoners serving fixed-term sentences can be released at any time up to 180 days before they have served one half of their sentence.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from www.legislation.gov.uk.