
STATUTORY INSTRUMENTS

2024 No. 408

**The Criminal Justice Act 2003 (Suitability
for Fixed Term Recall) Order 2024**

Further release after recall: suitability for automatic release

- 2.—(1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 255A(1) (further release after recall: introductory), for subsection (4) substitute—
- “(4) A person is suitable for automatic release only if—
- (a) the person—
- (i) is aged 18 or over,
- (ii) is serving a sentence of less than 12 months,
- (iii) has not been recalled on account of being charged with a serious offence, and
- (iv) is not being managed at level 2 or 3, as specified in guidance for the time being issued under section 325(8)(2), by a responsible authority under arrangements made under that section (arrangements for assessing etc risks posed by certain offenders), or
- (b) where paragraph (a) does not apply, the Secretary of State is satisfied that the person will not present a risk of serious harm to members of the public if released at the end of the automatic release period.
- (4A) For the purposes of subsection (4) “serious offence” means—
- (a) murder, or
- (b) an offence listed in Schedule 18 to the Sentencing Code(3).”
- (3) In section 255B(4) (automatic release), after subsection (9) insert—
- “(10) Subsections (8) and (9) do not apply where P falls within section 255A(4)(a), unless the Secretary of State receives information that, after being recalled, P has been charged with a serious offence (within the meaning of section 255A(4A)).”

(1) Section 255A was substituted by section 114 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). Subsection (4) was subsequently amended by section 9(4)(b) of the Offender Rehabilitation Act 2014 (c. 11).

(2) Section 325(8) was amended by paragraph 74(2) of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4). The guidance is the multi-agency public protection arrangements (MAPPA) guidance first published on 21 March 2014 and last updated on 20 March 2023 and can be accessed at <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa-guidance>.

(3) 2020 c. 17. Schedule 18 was amended by section 15 of the Counter-Terrorism and Sentencing Act 2021 (c. 11), section 147(2) of the Police, Crime, Sentencing and Courts Act 2022, paragraph 12 of Schedule 2 to the Domestic Abuse Act 2021 (c. 17), paragraph 80 of Schedule 22 to the Sentencing Act 2020, paragraph 20 of Schedule 14 to the Online Safety Act 2023 (c. 50).

(4) Section 255B was substituted by section 114 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and amended by section 9(5) of the Offender Rehabilitation Act 2014 and sections 136(2) and 139(2)(a) of the Police, Crime, Sentencing and Courts Act 2022.