



Criminal Justice Act 1982

1982 CHAPTER 48

PART II

PARTIAL SUSPENSION OF SENTENCES, EARLY RELEASE, RELEASE ON LICENCE OR BAIL ETC.

Early release

32 Early release of prisoners

- (1) The Secretary of State may order that persons of any class specified in the order who are serving a sentence of imprisonment, other than—
- (a) imprisonment for life ; or
 - (b) imprisonment to which they were sentenced—
 - (i) for an excluded offence ;
 - (ii) for attempting to commit such an offence ;
 - (iii) for conspiracy to commit such an offence; or
 - (iv) for aiding or abetting, counselling, procuring or inciting the commission of such an offence,
- shall be released from prison at such time earlier (but not more than six months earlier) than they would otherwise be so released as may be fixed by the order; but the Secretary of State shall not make an order under this section unless he is satisfied that it is necessary to do so in order to make the best use of the places available for detention.
- (2) In this section " excluded offence " means—
- (a) an offence (whether at common law or under any enactment) specified in Part I of Schedule 1 to this Act; and
 - (b) an offence under an enactment specified in Part II of that Schedule; and
 - (c) an offence specified in Part III of that Schedule.
- (3) No person may be released under this section if—
- (a) he is subject to more than one sentence of imprisonment ; and

Status: This is the original version (as it was originally enacted).

- (b) at least one of the terms that he has to serve is for an offence mentioned in subsection (1)(b)(i), (ii), (iii) or (iv) above.
- (4) An order under this section—
- (a) may define a class of persons in any way ;
 - (b) may relate to one or more specified prisons, or to prisons of a specified class (however defined), or to prisons generally; and
 - (c) may make the time at which a person of any specified class is to be released depend on any circumstances whatever.
- (5) Where a person who is to be released from prison in pursuance of an order under this section is a person serving a sentence of imprisonment in respect of whom an extended sentence certificate (within the meaning of the Powers of Criminal Courts Act 1973) was issued when the sentence was passed, his release shall be a release on licence under section 60 of the Criminal Justice Act 1967, irrespective of whether at the time of his release he could have been released on licence under that section by virtue of subsection (3) thereof.
- (6) Where a person not within subsection (5) above is released from prison in pursuance of an order under this section, his sentence shall expire on his release.
- (7) Subsections (1), (4) and (6) above shall apply in relation to any institution to which the Prison Act 1952 applies and to persons detained in any such institutions other than persons serving sentences of custody for life, as they apply in relation to prisons and persons serving such sentences of imprisonment as are mentioned in subsection (1) above.
- (8) An order under this section shall be made by statutory instrument.
- (9) No order under this section shall be made unless—
- (a) a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament ; or
 - (b) the expedited procedure conditions are satisfied.
- (10) The expedited procedure conditions are satisfied if—
- (a) the order does not provide for the release of any persons before one month earlier than they would otherwise be released; and
 - (b) it is declared in the order that it appears to the Secretary of State that by reason of urgency it is necessary to make the order without a draft having been so approved.
- (11) Every such order (except such an order of which a draft has been so approved)—
- (a) shall be laid before Parliament; and
 - (b) shall cease to have effect at the expiry of a period of 40 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by resolution of each House of Parliament, but without prejudice to anything previously done or to the making of a new order.
- (12) In reckoning for the purposes of subsection (11) above any period of 40 days, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

- (13) An order under this section shall not remain in force after the expiration of 6 months beginning with the date on which it is made, but without prejudice to the power of the Secretary of State to revoke it or to make a further order under this section.
- (14) Section 5 of the Imprisonment (Temporary Provisions) Act 1980 (which is superseded by this section) shall cease to have effect.