



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART II

#### EARLY RELEASE OF PRISONERS

##### *New arrangements for early release*

#### **[<sup>F1</sup>34A Power to release short-term prisoners on licence.**

- (1) Subject to subsection (2) below, subsection (3) below applies where a short-term prisoner aged 18 or over is serving a sentence of imprisonment for a term of three months or more.
- (2) Subsection (3) below does not apply where—
  - (a) the sentence is an extended sentence within the meaning of [<sup>F2</sup>section 85 of the Powers of Criminal Courts (Sentencing) Act 2000];
  - (b) the sentence is for an offence under section 1 of the <sup>M1</sup>Prisoners (Return to Custody) Act 1995;
  - (c) the sentence was imposed under [<sup>F2</sup> paragraph 4(1)(d) or 5(1)(d) of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000] in a case where the prisoner had failed to comply with a requirement of a curfew order;
  - (d) the prisoner is subject to a hospital order, hospital direction or transfer direction under section 37, 45A or 47 of the <sup>M2</sup>Mental Health Act 1983;
  - [<sup>F3</sup>(da) the prisoner is subject to the notification requirements of Part I of the <sup>M3</sup>Sex Offenders Act 1997;]
  - (e) the prisoner is liable to removal from the United Kingdom for the purposes of section 46 below;
  - (f) the prisoner has been released on licence under this section at any time and has been recalled to prison under section 38A(1)(a) below;
  - (g) the prisoner has been released on licence under this section or section 36 below during the currency of the sentence, and has been recalled to prison under section 39(1) or (2) below;

*Status: Point in time view as at 16/12/2002. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 1991, Section 34A is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (h) the prisoner has been returned to prison under <sup>[F2]</sup> section 116 of the Powers of Criminal Courts (Sentencing) Act 2000]at any time; or
  - (j) the interval between—
    - (i) the date on which the prisoner will have served the requisite period for the term of the sentence; and
    - (ii) the date on which he will have served one-half of the sentence, is less than 14 days.
- (3) After the prisoner has served the requisite period for the term of his sentence, the Secretary of State may, subject to section 37A below, release him on licence.
- (4) In this section “the requisite period” means—
- (a) for a term of three months or more but less than four months, a period of 30 days;
  - (b) for a term of four months or more but less than <sup>[F4]</sup>twelve months] , a period equal to one-quarter of the term;
  - (c) for a term of <sup>[F5]</sup>twelve months] or more, a period that is <sup>[F6]</sup>90 days] less than one-half of the term.
- (5) The Secretary of State may by order made by statutory instrument—
- (a) repeal the words “aged 18 or over” in subsection (1) above;
  - (b) amend the definition of “the requisite period” in subsection (4) above; and
  - (c) make such transitional provision as appears to him necessary or expedient in connection with the repeal or amendment.
- (6) No order shall be made under subsection (5) above unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

#### Textual Amendments

- F1** S. 34A inserted (28.01.1999) by 1998 c. 37, s. 99 (with Sch. 9 para. 10); S.I. 1998/3263, art. 3.
- F2** Words in s. 34A(2)(a)(c)(h) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9
- F3** S. 34A(2)(da) inserted (1.3.2001) by 2000 c. 43, s. 65; S.I. 2001/340, art. 2
- F4** Words in s. 34A(4)(b) substituted (16.12.2002) by The Release of Short-Term Prisoners on Licence (Amendment of Requisite Period) Order 2002 (S.I. 2002/2933), art. 2(1) (which S.I. 2003/2933 was revoked (14.7.2003) by S.I. 2003/1602, art. 2)
- F5** Words in s. 34A(4)(c) substituted (16.12.2002) by The Release of Short-Term Prisoners on Licence (Amendment of Requisite Period) Order 2002 (S.I. 2002/2933), art. 2(2) (which S.I. 2003/2933 was revoked (14.7.2003) by S.I. 2003/1602, art. 2)
- F6** Words in s. 34A(4)(c) substituted (16.12.2002) by The Release of Short-Term Prisoners on Licence (Amendment of Requisite Period) Order 2002 (S.I. 2002/2933), art. 2(2) (which S.I. 2003/2933 was revoked (14.7.2003) by S.I. 2003/1602, art. 2)

#### Modifications etc. (not altering text)

- C1** S. 34A modified (30.9.1998) by 1998 c. 37, s. 120(1), Sch. 9 para. 12(5)(9); S.I. 1998/2327, art. 2(1)(z).

#### Marginal Citations

- M1** 1995 c.16.  
**M2** 1983 c.20.  
**M3** 1997 c. 51.

**Status:**

Point in time view as at 16/12/2002. This version of this provision has been superseded.

**Changes to legislation:**

Criminal Justice Act 1991, Section 34A is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.