



Criminal Justice Act 1991

1991 CHAPTER 53

PART II

EARLY RELEASE OF PRISONERS

New arrangements for early release

[^{F1}34A Power to release short-term prisoners on licence.

- (1) Subject to subsection (2) below, subsection (3) below applies where a short-term prisoner ^{F2} . . . 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 [^{F3}section 85 of the Powers of Criminal Courts (Sentencing) Act 2000];
 - (b) the sentence is for an offence under section 1 of the ^{M1}Prisoners (Return to Custody) Act 1995;
 - (c) the sentence was imposed under [^{F3} 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 ^{M2}Mental Health Act 1983;
 - [^{F4}(da) the prisoner is subject to the notification requirements of [^{F5}Part 2 of the Sexual Offences Act 2003] ;]
 - (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Status: Point in time view as at 01/05/2004. This version of this provision has been superseded.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 28 December 2023. 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 ^[F3] 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 ^[F6]eighteen months] , a period equal to one-quarter of the term;
 - (c) for a term of ^[F7]eighteen months] or more, a period that is ^[F8]135 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(1) repealed (14.7.2003) by The Release of Short-Term Prisoners on Licence (Repeal of Age Restriction) Order 2003 (S.I. 2003/1691), art. 2
- F3** Words in s. 34A(2)(a)(c)(h) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9
- F4** S. 34A(2)(da) inserted (1.3.2001) by 2000 c. 43, s. 65; S.I. 2001/340, art. 2
- F5** Words in s. 34A(2)(da) substituted (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 139, 141; Sch. 6 para. 30; S.I. 2004/874, art. 2
- F6** Words in s. 34A(4)(b) substituted (14.7.2003) by The Release of Short-Term Prisoners on Licence (Amendment of Requisite Period) Order 2003 (S.I. 2003/1602), art. 3(1)
- F7** Words in s. 34A(4)(c) substituted (14.7.2003) by The Release of Short-Term Prisoners on Licence (Amendment of Requisite Period) Order 2003 (S.I. 2003/1602), art. 3(2)
- F8** Words in s. 34A(4)(c) substituted (14.7.2003) by The Release of Short-Term Prisoners on Licence (Amendment of Requisite Period) Order 2003 (S.I. 2003/1602), art. 3(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).
- C2** S. 34A modified (temp. from 24.3.2005) by The Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950), arts. 2, 4, Sch. 2 para. 22

Marginal Citations

- M1** 1995 c.16.

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M2 1983 c.20.

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