



Crime (Sentences) Act 1997

1997 CHAPTER 43

PART II

EFFECT OF CUSTODIAL SENTENCES

CHAPTER II

LIFE SENTENCES

Licences and recall

31 Duration and conditions of licences.

- (1) Where a life prisoner [^{F1}, other than a prisoner to whom section 31A below applies,] is released on licence, the licence shall, unless previously revoked under section 32 ^{F2}... below, remain in force until his death.

[^{F3}(1A) Where a prisoner to whom section 31A below applies is released on licence, the licence shall remain in force until his death unless—

- (a) it is previously revoked under section 32(1) or (2) below; or
- (b) it ceases to have effect in accordance with an order made by the Secretary of State under section 31A below.]

- (2) A life prisoner subject to a licence shall comply with such conditions ^{F4}... as may for the time being be specified in the licence; and the Secretary of State may make rules for regulating the supervision of any description of such persons.

[^{F5}(2A) The conditions so specified shall include on the prisoner's release conditions as to his supervision by—

- (a) [^{F6}an officer of a local probation board] appointed for or assigned to the [^{F7}local justice area] within which the prisoner resides for the time being [^{F8}or (as the case may be) an officer of a provider of probation services acting in the local justice area within which the prisoner resides for the time being];

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- (b) where the prisoner is under the age of 22, a social worker of the ^{F9}... local authority within whose area the prisoner resides for the time being; or
- (c) where the prisoner is under the age of 18, a member of a youth offending team established by that local authority under section 39 of the Crime and Disorder Act 1998.]

[^{F10}(3) The Secretary of State must not include a condition in a life prisoner's licence on release, insert a condition in such a licence or vary or cancel a condition of such a licence except—

- (a) in accordance with recommendations of the Parole Board, or
- (b) where required to do so by an order under section 62A of the Criminal Justice and Court Services Act 2000 (compulsory electronic monitoring conditions).]

^{F11}(4)

(5) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In relation to a life prisoner who is liable to removal from the United Kingdom (within the meaning given by [^{F12}section 259 of the Criminal Justice Act 2003]), subsection (2) above shall have effect as if [^{F13}subsection (2A) above] were omitted.

Textual Amendments

- F1** Words in s. 31(1) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 18 para. 1(2)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 40 (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F2** Words in s. 31(1) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 28 Pt. 2**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(b)
- F3** S. 31(1A) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 18 para. 1(3)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 40 (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F4** Words in s. 31(2) repealed (30.9.1998 in the areas specified in S.I. 1998/2327, **Sch. 1** and otherwise 1.4.2000) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 131(1), **Sch. 10**; S.I. 1998/2327, art. 3(1)(b)(c), **Sch. 1**; S.I. 2000/924, **art. 3**
- F5** S. 31(2A) inserted (30.9.1998 in the areas specified in S.I. 1998/2327, **Sch. 1** and otherwise 1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 131(2)**; S.I. 1998/2327, art. 3(1)(b), **Sch. 1**; S.I. 2000/924, **art. 3**
- F6** Words in s. 31(2A)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. 1 para. 4(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F7** Words in s. 31(2A)(a) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 53**
- F8** Words in s. 31(2A)(a) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), **Sch. 1 para. 12(2)**
- F9** Words in s. 31(2A)(b) repealed (1.4.2005 for E., 1.4.2006 for W.) by Children Act 2004 (c. 31), **Sch. 5 Pt. 4**; S.I. 2005/394, **art. 2(2)(g)**; S.I. 2006/885, **art. 2(2)**
- F10** S. 31(3) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 2 para. 1** (with s. 7(5)); S.I. 2015/778, art. 3, Sch. 1 para. 73

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- F11** S. 31(4) repealed (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), Sch. 32 para. 83(3), [Sch. 37 Pt. 8](#)
- F12** Words in s. 31(6) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 83\(4\)](#); [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 42(32) (with Sch. 2) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))
- F13** Words in s. 31(6) substituted (30.9.1998) by [1998 c. 37](#), s. 119, [Sch. 8 para. 131\(3\)](#); [S.I. 1998/2327](#), [art. 2\(2\)\(mm\)](#).

Modifications etc. (not altering text)

- C1** S. 31: exercise of functions restricted in or as regards Scotland (30.6.1999) by [S.I. 1999/1748](#), art. 8(2), [Sch. 4 Pt. 1 para. 1](#)
- C2** S. 31(6) modified (1.1.1998) by [S.I. 1997/2200](#), [art. 5\(3\)\(a\)](#)
S. 31(6) modified (19.9.1998) by [S.I. 1998/2327](#), [art. 5\(1\)\(b\)](#).

[^{F14}31A Imprisonment or detention for public protection: termination of licences

- (1) This section applies to a prisoner who—
- is serving one or more preventive sentences, and
 - is not serving any other life sentence.
- (2) Where—
- the prisoner has been released on licence under this Chapter [^{F15}(whether or not the prisoner has subsequently been recalled to prison under section 32)]; and
 - the qualifying period has expired,
- the Secretary of State shall, if directed to do so by the Parole Board, order that the licence is to cease to have effect.

[^{F16}(3) Where—

- the prisoner has been released on licence under this Chapter (whether or not the prisoner has subsequently been recalled to prison under section 32);
- the qualifying period has expired; and
- if the Secretary of State has made a previous reference of the prisoner's case under this subsection, the period of twelve months beginning with the day of the disposal of that reference has expired,

the Secretary of State must refer the prisoner's case to the Parole Board under this subsection.]

- (4) Where [^{F17}a reference] is made under subsection (3) above, the Parole Board—
- shall, if it is satisfied that it is no longer necessary for the protection of the public that the licence should remain in force, direct the Secretary of State to make an order that the licence is to cease to have effect;
 - shall otherwise dismiss the [^{F18}reference].

[A reference under subsection (3) must be made, and a reference under that subsection ^{F19}(4A) must be determined by the Parole Board under subsection (4), even if at the time of the reference or determination the prisoner is in prison having been recalled under section 32.

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- (4B) If at the time of the determination the prisoner is in prison having been recalled under section 32—
- (a) subsection (2) does not apply, and
 - (b) subsection (4)(a) has effect as if it required the Parole Board—
 - (i) to determine whether it is satisfied that it is not necessary for the protection of the public for the prisoner, when released, to be released on licence in respect of the preventative sentence or sentences, and
 - (ii) if it is so satisfied, to direct the Secretary of State accordingly.
- (4C) Where the Parole Board gives a direction under subsection (4B)(b)(ii)—
- (a) if at any time the Board directs the prisoner’s release under section 28, that section has effect in relation to the prisoner as if, in subsection (5), for “to release him on licence” there were substituted “to release the prisoner unconditionally”, and
 - (b) if at any time the Board directs the prisoner’s release under section 32, that section has effect in relation to the prisoner as if, in subsection (5), for “immediate release on licence” there were substituted “immediate unconditional release”.]
- (5) In this section—
- “preventive sentence” means a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or a sentence of detention for public protection under section 226 of that Act [^{F20}(including such a sentence of imprisonment [^{F21}or detention in a young offender institution] or detention passed as a result of section 219 or 221 of the Armed Forces Act 2006)];
- “the qualifying period”, in relation to a prisoner who has been released on licence [^{F22}(whether or not the prisoner has subsequently been recalled to prison under section 32)], means the period of ten years beginning with the date of his release.]

Textual Amendments

- F14** S. 31A inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 18 para. 2**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 40** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))
- F15** Words in s. 31A(2)(a) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 138(2)**, 208(5)(o)
- F16** S. 31A(3) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 138(3)**, 208(5)(o)
- F17** Words in s. 31A(4) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 138(4)(a)**, 208(5)(o)
- F18** Word in s. 31A(4)(b) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 138(4)(b)**, 208(5)(o)
- F19** S. 31A(4A)-(4C) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 138(5)**, 208(5)(o)
- F20** Words in s. 31A(5) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 141**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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- F21** Words in s. 31A(5) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 117(10)(a), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F22** Words in s. 31A(5) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 138(6), 208(5)(o)**

Modifications etc. (not altering text)

- C3** S. 31A(3) applied (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 138(9)(10), 208(5)(o)**
- C4** S. 31A(4)-(4C) applied (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 138(7)(8), 208(5)(o)**
- C5** S. 31A(4) applied (22.7.2019) by The Parole Board Rules 2019 (S.I. 2019/1038), rules 1, **31(4)**

32 Recall of life prisoners while on licence.

[^{F23}(1) The Secretary of State may, in the case of any life prisoner who has been released on licence under this Chapter, revoke his licence and recall him to prison.]

- (3) A life prisoner recalled to prison under [^{F24}this section]—
- (a) may make representations in writing with respect to his recall; and
 - (b) on his return to prison, shall be informed of the reasons for his recall and of his right to make representations.

(4) The Secretary of State shall refer to the Parole Board [^{F25}the case of a life prisoner recalled under this section].

[^{F26}(5) Where on a reference under subsection (4) above the Parole Board directs the ^{F27}... release on licence under this section of the life prisoner, the Secretary of State shall give effect to the direction.]

[^{F28}(5A) The Board must not give a direction unless satisfied that it is no longer necessary for the protection of the public that the life prisoner should remain in prison.]

- (6) On the revocation of the licence of any life prisoner under this section, he shall be liable to be detained in pursuance of his sentence and, if at large, shall be deemed to be unlawfully at large.

Textual Amendments

- F23** S. 32(1) substituted for s. 32(1)(2) (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 31(2), 153(7)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 17
- F24** Words in s. 32(3) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 31(3), 153(7)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 17
- F25** Words in s. 32(4) substituted for s. 32(4)(a)(b) (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 31(4), 153(7)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 17
- F26** S. 32(5) substituted (18.12.2003) by Criminal Justice Act 2003 (c. 44), s. 336(2), **Sch. 32 para. 84**
- F27** Word in s. 32(5) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 139(1)(a), 208(1)**; S.I. 2022/520, reg. 5(o)
- F28** S. 32(5A) inserted (29.6.2022) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 11(2), 95(1)** (with s. 11(5)); S.I. 2022/716, art. 2

Modifications etc. (not altering text)

- C6** S. 32: exercise of functions restricted in or as regards Scotland (30.6.1999) by S.I. 1999/1748, art. 8(2), **Sch. 4 Pt. 1 para. 1**

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C7 S. 32: power to amend conferred (29.6.2022) by 2012 c. 10, s. 128(3)(aa) (as inserted by Criminal Justice and Courts Act 2015 (c. 2), ss. 11(3), 95(1); S.I. 2022/716, art. 2)

[^{F29}32ZA Offence of remaining unlawfully at large after recall

- (1) A person recalled to prison under section 32 commits an offence if the person—
 - (a) has been notified of the recall orally or in writing, and
 - (b) while unlawfully at large fails, without reasonable excuse, to take all necessary steps to return to prison as soon as possible.
- (2) A person is to be treated for the purposes of subsection (1)(a) as having been notified of the recall if—
 - (a) written notice of the recall has been delivered to an appropriate address, and
 - (b) a period specified in the notice has elapsed.
- (3) In subsection (2) “an appropriate address” means—
 - (a) an address at which, under the person's licence, the person is permitted to reside or stay, or
 - (b) an address nominated, in accordance with the person's licence, for the purposes of this section.
- (4) A person is also to be treated for the purposes of subsection (1)(a) as having been notified of the recall if—
 - (a) the person's licence requires the person to keep in touch in accordance with any instructions given by an officer of a provider of probation services,
 - (b) the person has failed to comply with such an instruction, and
 - (c) the person has not complied with such an instruction for at least 6 months.
- (5) A person who is guilty of an offence under this section is liable—
 - (a) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine (or both);
 - (b) on summary conviction to imprisonment for a term not exceeding [^{F30}the general limit in a magistrates’ court] or a fine (or both).
- (6) In relation to an offence committed before [^{F31}2 May 2022], the reference in subsection (5)(b) to [^{F32}the general limit in a magistrates’ court] is to be read as a reference to 6 months.
- (7) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (5) (b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum.]

Textual Amendments

- F29** S. 32ZA inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 12(1), 95(1) (with s. 12(3)); S.I. 2015/778, art. 3, Sch. 1 para. 8
- F30** Words in s. 32ZA(5)(b) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates’ Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), Sch. Pt. 1 table
- F31** Words in s. 32ZA(6) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), Sch. Pt. 1

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F32 Words in s. 32ZA(6) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 35(5)(c)s. 35(8)(a) by [2000 c. 43 Sch. 7 para. 139\(b\)](#)
- s. 8(5) by [2000 c. 43 Sch. 7 para. 143](#)