



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

[^{F1} RELEASE, LICENCES^{F1}, SUPERVISION] AND RECALL]

Supplemental

267 Alteration by order of relevant proportion of sentence

The Secretary of State may by order provide that any reference in [^{F1}section 243A(3) (a),] section 244(3)(a), section 247(2) or [^{F2}section 264(6)(d)] to a particular proportion of a prisoner's sentence is to be read as a reference to such other proportion of a prisoner's sentence as may be specified in the order.

Textual Amendments

- F1** Words in s. 267 inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 15](#); S.I. 2012/2906, art. 2(1)
- F2** Words in s. 267 substituted (7.2.2020) by [The Criminal Justice and Courts Act 2015 \(Consequential Amendment\) Regulations 2020 \(S.I. 2020/157\), regs. 1, 3](#)

[^{F3}267A Application of Chapter 6 to pre-4 April 2005 cases

Schedule 20A (which modifies certain provisions of this Chapter as they apply to persons serving a sentence for an offence committed before 4 April 2005) has effect.]

Changes to legislation: *Criminal Justice Act 2003, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 21 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) View outstanding changes*

Textual Amendments

- F3** S. 267A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 2](#); S.I. 2012/2906, art. 2(n)

Modifications etc. (not altering text)

- C1** S. 267A applied by Crime (Sentences) Act 1997 (c. 43), Sch. 1 paras. 8(2)(a)(4)(a), 9(2)(a)(4)(a) (as amended (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 paras. 7, 8](#); S.I. 2012/2906, art. 2(n))

[^{F4}**267B Modification of Chapter 6 in certain transitional cases**

Schedule 20B (which modifies this Chapter so as to restate, with minor amendments, the effect of transitional provisions relating to the coming into force of this Chapter) has effect.]

Textual Amendments

- F4** S. 267B inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 17 para. 9](#); S.I. 2012/2906, art. 2(o)

Modifications etc. (not altering text)

- C2** S. 267B applied by Crime (Sentences) Act 1997 (c. 43), Sch. 1 paras. 8(2)(a)(4)(a), 9(2)(a)(4)(a) (as amended (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 paras. 7, 8](#); S.I. 2012/2906, art. 2(n))

[^{F5}**267C Fixed-term prisoners also serving life sentence**

- (1) This section applies where a fixed-term prisoner is also serving one or more sentences by virtue of which the life sentence provisions apply to the offender.
- (2) Nothing in this Chapter requires the Secretary of State to release the prisoner unless the Secretary of State is also required by the life sentence provisions to release the prisoner.
- (3) Nothing in this Chapter requires the Secretary of State to refer the prisoner’s case to the Board unless the Secretary of State is also required by the life sentence provisions to—
 - (a) refer the prisoner’s case to the Board, or
 - (b) release the prisoner.
- (4) The reference in subsection (3)(a) to a requirement of the Secretary of State to refer a prisoner’s case to the Board does not include a requirement to do so under section 31A(3) of the 1997 Act.
- (5) The fact that the prisoner is also serving a fixed-term sentence is to be ignored in determining, for the purposes of subsections (2) and (3), what the life sentence provisions require.
- (6) In this section “the life sentence provisions” means Chapter 2 of Part 2 of the 1997 Act.]

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Textual Amendments

- F5** S. 267C inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 144(11), 208(5)(p)**

268 Interpretation of Chapter 6

[^{F6}(1)] In this Chapter —

“the 1997 Act” means the Crime (Sentences) Act 1997 (c. 43);

“the Board” means the Parole Board;

[^{F7}“fixed-term prisoner” and “fixed-term sentence”] have the meaning given by section 237(1) [^{F8}(as extended by section 237(1A));]

^{F9}

[^{F10}“offender subject to supervision under this Chapter” means a person who is subject to supervision requirements under section 256AA or 256B;]

“prison” and “prisoner” are to be read in accordance with section 237(2);

[^{F10}“supervision default order” means an order described in section 256AC(4)(c), whether made under that provision or under paragraph 9 of Schedule 19A;]

[^{F10}“the supervision period”, in relation to an offender subject to supervision under this Chapter, has the meaning given in section 256AA or 256B (as appropriate);]

[^{F10}“the supervisor” —

(a) in relation to an offender subject to supervision requirements under section 256AA, has the meaning given in that section, and

(b) in relation to an offender subject to supervision requirements under section 256B, means the person who provides supervision under that section;]

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[^{F11}(1A) In this Chapter, “the requisite custodial period” means [^{F12}(except where it has the meaning given by section 247A(8)))] —

(a) in relation to a person serving an extended sentence imposed under section 226A or 226B [^{F13}or under section 254, 266 or 279 of the Sentencing Code], the requisite custodial period for the purposes of section 246A;

(b) in relation to a person serving an extended sentence imposed under section 227 or 228, the requisite custodial period for the purposes of section 247;

(c) in relation to a person serving a sentence imposed under section 236A [^{F14}or under section 265 or 278 of the Sentencing Code], the requisite custodial period for the purposes of section 244A;

[^{F15}(ca) in relation to a prisoner whose case has been referred to the Parole Board under section 244ZB, the requisite custodial period for the purposes of section 244ZC;]

(d) in relation to any other fixed-term prisoner, the requisite custodial period for the purposes of section 243A [^{F16}, 244 or 244ZA] (as appropriate).]

[^{F17}(2) For the purposes of sections 243A(1A), 256AA(1), 256B(1A) and 264B(1), where an offence is found to have been committed over a period of 2 or more days, or at some

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time during a period of 2 or more days, it must be taken to have been committed on the last of those days.]

Textual Amendments

- F6** S. 268 renumbered as s. 268(1) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 23(2)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), art. 2(u)
- F7** Words in s. 268(1) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 23(3)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), art. 2(u)
- F8** S. 268: words in definition of "fixed-term prisoner" inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, **Sch. 16 para. 227**; [S.I. 2009/812](#), **art. 3** (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), **art. 4**
- F9** Definitions in s. 268 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 35**; [S.I. 2012/2906](#), art. 2(h)
- F10** Words in s. 268(1) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 23(4)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), art. 2(u)
- F11** S. 268(1A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 14(2)**, 95(1) (with s. 14(7)); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 10](#)
- F12** Words in s. 268(1A) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\)](#), **ss. 7(8)**, 10(4)
- F13** Words in s. 268(1A)(a) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 238(a)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F14** Words in s. 268(1A)(c) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 238(b)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F15** S. 268(1A)(ca) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 132(10)**, 208(4)(p)
- F16** Words in s. 268(1A)(d) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 130(7)**, 208(5)(m)
- F17** S. 268(2) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 23(5)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), art. 2(u)

Commencement Information

- I1** S. 268 wholly in force at 4.4.2005; s. 268 not in force at Royal Assent, see s. 336(3); s. 268 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), **art. 2**, [Sch.](#); s. 268 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 19](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

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. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))

- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)