



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

Early removal of prisoners from the United Kingdom

34 Removal under Criminal Justice Act 2003

(1) In Part 12 of the Criminal Justice Act 2003 (c. 44) (sentencing) Chapter 6 (release on licence) is amended as follows.

^{F1}(2)

(3) Section 260 (early removal of prisoners liable to removal from United Kingdom) is amended as follows.

(4) In subsection (1) (the power of removal)—

(a) for “subsections (2) and (3)” substitute “ subsection (2) ”, and

^{F2}(b)

(5) For subsection (2) (conditions relating to time) substitute—

“(2) Subsection (1) does not apply in relation to a prisoner unless he has served at least one-half of the requisite custodial period.”

(6) Subsections (3) and (3A) (cases where subsection (1) does not apply) cease to have effect.

^{F3}(7)

(8) In subsection (6) (order-making powers)—

(a) in paragraph (a) omit “or (3)(e)”,

Changes to legislation: Criminal Justice and Immigration Act 2008, Section 34 is up to date with all changes known to be in force on or before 23 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

- (b) omit paragraph (b), and
- (c) in paragraph (c) for “subsection (2)(b)(ii)” substitute “ subsection (2) ”.

(9) For subsection (7) (meaning of “requisite custodial period”) substitute—

“(7) In this section “requisite custodial period”—

- (a) in relation to a prisoner serving an extended sentence imposed under section 227 or 228, means one-half of the appropriate custodial term (determined by the court under that section);
- (b) in any other case, has the meaning given by paragraph (a), (b) or (d) of section 244(3).”

^{F4}(10)

Textual Amendments	
F1	S. 34(2) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) , ss. 118(4)(b) , 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
F2	S. 34(4)(b) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) , ss. 118(4)(b) , 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
F3	S. 34(7) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) , ss. 118(4)(b) , 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
F4	S. 34(10) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) , ss. 118(4)(b) , 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
Commencement Information	
I1	S. 34(1)(3)(4)(a)(5)(6)(8)(9) in force at 3.11.2008 by S.I. 2008/2712 , art. 2, Sch. para. 5

Changes to legislation:

Criminal Justice and Immigration Act 2008, Section 34 is up to date with all changes known to be in force on or before 23 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.

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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):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)