

SCHEDULES

SCHEDULE 14

Section 111

PRISONERS SERVING LESS THAN 12 MONTHS: CONSEQUENTIAL AMENDMENTS

Road Traffic Offenders Act 1988 (c. 53)

- 1 In section 35A of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence also imposed)—
- (a) in subsection (8), after “section” insert “243A(3)(a),”;
 - (b) in subsection (9)(a), after “in respect of section” insert “243A(3)(a) or”.

Crime (Sentences) Act 1997 (c. 43)

- 2 In Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands), in paragraphs 8(2)(a) and 9(2)(a), after “sections 241,” insert “243A,”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 3 In section 147A of the Powers of Criminal Courts (Sentencing) Act 2000 (extension of disqualification where custodial sentence also imposed)—
- (a) in subsection (8), after “section” insert “243A(3)(a),”;
 - (b) in subsection (9)(a), after “in respect of section” insert “243A(3)(a) or”.

International Criminal Court Act 2001 (c. 17)

- 4 In Schedule 7 to the International Criminal Court Act 2001 (domestic provisions not applicable to ICC prisoners), in paragraph 3(1), for “sections 244” substitute “sections 243A”.

Criminal Justice Act 2003 (c. 44)

- 5 The Criminal Justice Act 2003 is amended as follows.
- 6 (1) Section 244 (duty to release prisoners on licence) is amended as follows.
- (2) In subsection (1)—
- (a) after “section” in the first place it appears insert “243A or”;
 - (b) after “the requisite custodial period” insert “for the purposes of this section”.
- (3) In subsection (3)—
- (a) for “In this section” substitute “For the purposes of this section”;
 - (b) in paragraph (a)—
 - (i) for “any” substitute “a”;
 - (ii) after “the Sentencing Act” insert “for such a term”.

- 7 In section 246(6) (power to release prisoners early: definitions), in the definition of “the requisite custodial period”, after “has the meaning given by” insert “paragraph (a) or (b) of section 243A(3) or (as the case may be)”.
- 8 (1) Section 249 (duration of licence) is amended as follows.
- (2) In subsection (1), after “a fixed-term prisoner” insert “, other than one to whom section 243A applies.”.
- (3) After subsection (1) insert—
- “(1A) Where a prisoner to whom section 243A applies is released on licence, the licence shall, subject to any revocation under section 254 or 255, remain in force until the date on which, but for the release, the prisoner would have served one-half of the sentence.
- This is subject to subsection (3).”
- (4) In subsection (3)—
- (a) for “Subsection (1) has” substitute “Subsections (1) and (1A) have”;
- (b) omit “and (4)”.
- 9 In section 250(4) (licence conditions) omit “for a term of twelve months or more” and “such” in the first place it appears.
- 10 In section 253(3) (period for which curfew condition to remain in force), after “fall to be released” insert “unconditionally under section 243A or”.
- 11 In section 260 (early removal of prisoners liable to removal from UK)—
- (a) in subsection (5), after “section” in the second place it appears insert “243A,”;
- (b) in subsection (7), after “has the meaning given by” insert “paragraph (a) or (b) of section 243A(3) or (as the case may be)”.
- 12 (1) Section 261 (re-entry to UK of offender removed early) is amended as follows.
- (2) In subsection (5), for “section 244” substitute “section 243A or 244 (as the case may be)”.
- (3) In subsection (6)—
- (a) in the definition of “requisite custodial period”, after “has the meaning given by” insert “paragraph (a) or (b) of section 243A(3) or (as the case may be)”;
- (b) in the definition of “sentence expiry date”—
- (i) after “but for his” insert “release from prison and”;
- (ii) for “ceased to be subject to a licence” substitute “served the whole of the sentence”.
- 13 In section 263(2) (concurrent terms)—
- (a) after paragraph (a) insert—
- “(aa) the offender’s release is to be unconditional if section 243A so requires in respect of each of the sentences (and in any other case is to be on licence),”;
- (b) in paragraph (b), after “each of the others” insert “to which that section applies”;
- (c) in paragraph (c), after “release under this Chapter” insert “(unless that release is unconditional)”.

Status: This is the original version (as it was originally enacted).

- 14 In section 264 (consecutive terms)—
- (a) in subsection (2), omit “on licence”;
 - (b) in subsection (3), for “any of the terms of imprisonment is a term of twelve months or more” substitute “the aggregate length of the terms of imprisonment is 12 months or more”;
 - (c) after subsection (3) insert—
 - “(3A) Where the aggregate length of the terms of imprisonment is less than 12 months, the offender’s release under this Chapter is to be unconditional.”;
 - (d) omit subsections (4) and (5);
 - (e) in subsection (6)(a)(ii)—
 - (i) for “a term of twelve months or more” substitute “any other sentence”;
 - (ii) for “the term” substitute “the sentence”;
 - (f) in subsection (7), omit “of 12 months or more”.
- 15 In section 267 (alteration by order of proportion of sentence), after “any reference in” insert “section 243A(3)(a),”.
- 16 The heading of Chapter 6 of Part 12 becomes “Release, licences and recall”.

Commencement of repeal

- 17 The repeal by section 303(a) of the Criminal Justice Act 2003 of sections 33 to 51 of the Criminal Justice Act 1991 has effect in relation to any sentence of imprisonment which—
- (a) is of less than 12 months (whether or not such a sentence is imposed to run concurrently or consecutively with another such sentence), and
 - (b) is imposed in respect of an offence committed on or after 4 April 2005,
- and paragraph 14 of Schedule 2 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Savings Provisions) Order 2005 ([S.I. 2005/950](#)) is accordingly revoked.