



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 3

#### SENTENCING AND PUNISHMENT OF OFFENDERS

### CHAPTER 5

#### DANGEROUS OFFENDERS

#### 125 New extended sentences: release on licence etc

- (1) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release and recall) is amended as follows.
- (2) In section 244(1) (duty to release prisoners on licence) (as amended by Schedule 14 to this Act) after “243A” insert “, 246A”.
- (3) After section 246 insert—

#### **“246A Release on licence of prisoners serving extended sentence under section 226A or 226B**

- (1) This section applies to a prisoner (“P”) who is serving an extended sentence imposed under section 226A or 226B.
- (2) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the requisite custodial period for the purposes of this section unless either or both of the following conditions are met—
  - (a) the appropriate custodial term is 10 years or more;

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*Status: This is the original version (as it was originally enacted).*

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- (b) the sentence was imposed in respect of an offence listed in Parts 1 to 3 of Schedule 15B or in respect of offences that include one or more offences listed in those Parts of that Schedule.
  - (3) If either or both of those conditions are met, it is the duty of the Secretary of State to release P on licence in accordance with subsections (4) to (7).
  - (4) The Secretary of State must refer P’s case to the Board—
    - (a) as soon as P has served the requisite custodial period, and
    - (b) where there has been a previous reference of P’s case to the Board under this subsection and the Board did not direct P’s release, not later than the second anniversary of the disposal of that reference.
  - (5) It is the duty of the Secretary of State to release P on licence under this section as soon as—
    - (a) P has served the requisite custodial period, and
    - (b) the Board has directed P’s release under this section.
  - (6) The Board must not give a direction under subsection (5) unless—
    - (a) the Secretary of State has referred P’s case to the Board, and
    - (b) the Board is satisfied that it is no longer necessary for the protection of the public that P should be confined.
  - (7) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the appropriate custodial term, unless P has previously been released on licence under this section and recalled under section 254 (provision for the release of such persons being made by section 255C).
  - (8) For the purposes of this section—
    - “appropriate custodial term” means the term determined as such by the court under section 226A or 226B (as appropriate);
    - “the requisite custodial period” means—
      - (a) in relation to a person serving one sentence, two-thirds of the appropriate custodial term, and
      - (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2).”
- (4) Schedule 20 (release of new extended sentence prisoners: consequential amendments of Chapter 6 of Part 12 of the Criminal Justice Act 2003) has effect.