

**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Release on licence to be directed by Parole Board. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

#### SENTENCE AND PAROLE BOARD RELEASE FOR OFFENDERS OF PARTICULAR CONCERN

#### PART 1

#### SENTENCE AND RELEASE

##### *Release on licence to be directed by Parole Board*

5 In section 244(1) (duty to release prisoners), after “243A” insert “, 244A ”.

#### Commencement Information

II Sch. 1 para. 5 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

6 After section 244 insert—

#### “244A Release on licence of prisoners serving sentence under section 236A

- (1) This section applies to a prisoner (“P”) who is serving a sentence imposed under section 236A.
- (2) 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.
- (3) 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.
- (4) The Board must not give a direction under subsection (3) unless—
  - (a) the Secretary of State has referred P's case to the Board, and
  - (b) the Board is satisfied that it is not necessary for the protection of the public that P should be confined.
- (5) 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 sections 255A to 255C).

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(6) For the purposes of this section—

“the appropriate custodial term” means the term determined as such by the court under section 236A;

“the requisite custodial period” means—

- (a) in relation to a person serving one sentence, one-half 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).”

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**Commencement Information**

**I2** Sch. 1 para. 6 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

- 7 (1) Section 246 (power to release prisoners on licence before required to do so) is amended as follows.
- (2) In subsection (4)(a) (disapplication of power), for “or 228” substitute “, 228 or 236A”.
- (3) In subsection (6), in the definition of “term of imprisonment” for “or 228” substitute “, 228 or 236A”.

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**Commencement Information**

**I3** Sch. 1 para. 7 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

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