

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, PART 4. (See end of Document for details)

SCHEDULES

SCHEDULE 1

SENTENCE AND PAROLE BOARD RELEASE FOR OFFENDERS OF PARTICULAR CONCERN

PART 4

CONSEQUENTIAL PROVISION

Road Traffic Offenders Act 1988 (c. 53)

- 11 (1) Section 35A(4) of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence also imposed) is amended as follows.
- (2) In paragraph (e), for “that Act” (in the first place) substitute “ the Criminal Justice Act 2003 ”.
- (3) After paragraph (f) insert—
- “(fa) in the case of a sentence under section 236A of that Act (special custodial sentence for certain offenders of particular concern), a period equal to half of the term imposed pursuant to section 236A(2) (a) of that Act;”.

Commencement Information

- I1** Sch. 1 para. 11 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

Crime (Sentences) Act 1997 (c. 43)

- 12 (1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.
- (2) In paragraph 8(2)(a) (restricted transfers from England and Wales to Scotland), after “244” insert “ , 244A ”.
- (3) In paragraph 9(2)(a) (restricted transfers from England and Wales to Northern Ireland), after “244” insert “ , 244A ”.

Commencement Information

- I2** Sch. 1 para. 12 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

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

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Textual Amendments

- F1** Sch. 1 para. 13 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Criminal Justice Act 2003 (c. 44)

- 14 The Criminal Justice Act 2003 is amended as follows.

Commencement Information

- I3** Sch. 1 para. 14 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, **Sch. 1 para. 72**

- 15 (1) Section 237 (meaning of “fixed-term prisoner”) is amended as follows.
- (2) In subsection (1)(b), for “ or 228” substitute “ , 228 or 236A ”.
- (3) In subsection (1B)—
- (a) omit “and” at the end of paragraph (c), and
 - (b) at the end insert “ , and
 - (e) references to a sentence under section 236A of this Act include a sentence under that section passed as a result of section 224A of that Act.”
- (4) In subsection (3), for “or 227” substitute “ , 227 or 236A ”.

Commencement Information

- I4** Sch. 1 para. 15 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, **Sch. 1 para. 72**

- 16 In section 240ZA(11) (time remanded in custody to count as time served), for “or 228” substitute “ , 228 or 236A ”.

Commencement Information

- I5** Sch. 1 para. 16 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, **Sch. 1 para. 72**

- 17 (1) Section 250 (licence conditions) is amended as follows.
- (2) In subsection (4)—
- (a) for “or 227” substitute “ , 227 or 236A ”, and
 - (b) for “or 228” substitute “ , 228 or 236A ”.
- (3) In subsection (5A) (inserted by section 15 of this Act)—
- (a) for “to a prisoner” substitute “to—
 - (a) a prisoner”, and
 - (b) at the end insert “ , or
 - (b) a prisoner serving a sentence imposed under section 236A.”

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Commencement Information

I6 Sch. 1 para. 17 in force at 13.4.2015 by [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 72](#)

- 18 In section 256AA(1) (supervision after end of sentence of prisoners serving less than 2 years), after paragraph (b) (but before “or”) insert—
“(ba) the sentence was imposed under section 236A,”.

Commencement Information

I7 Sch. 1 para. 18 in force at 13.4.2015 by [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 72](#)

- 19 In section 258(3A) (early release of fine defaulters and contemnors), for “or 228” substitute “, 228 or 236A”.

Commencement Information

I8 Sch. 1 para. 19 in force at 13.4.2015 by [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 72](#)

- 20 (1) Section 260 (early removal of prisoners liable to removal from United Kingdom) is amended as follows.
(2) In subsection (2A), after “226B” insert “ or a sentence under section 236A ”.
(3) In subsection (5), after “244” insert “, 244A ”.

Commencement Information

I9 Sch. 1 para. 20 in force at 13.4.2015 by [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 72](#)

- 21 In section 261(5)(b) (re-entry into United Kingdom of offender removed from prison early), after “244” insert “, 244A ”.

Commencement Information

I10 Sch. 1 para. 21 in force at 13.4.2015 by [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 72](#)

- 22 In section 263(4) (concurrent terms), for “or 228” substitute “, 228 or 236A”.

Commencement Information

I11 Sch. 1 para. 22 in force at 13.4.2015 by [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 72](#)

- 23 (1) Section 264 (consecutive terms) is amended as follows.
(2) For subsection (6) substitute—
“(6) In this section “custodial period” means—
(a) in relation to an extended sentence imposed under section 226A or 226B, two-thirds of the appropriate custodial term determined by the court under that section,

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- (b) in relation to an extended sentence imposed under section 227 or 228, one-half of the appropriate custodial term determined by the court under that section,
- (c) in relation to a sentence imposed under section 236A, one-half of the appropriate custodial term determined by the court under that section, and
- (d) in relation to any other sentence, one-half of the sentence.”

(3) In subsection (7), for “or 228” substitute “, 228 or 236A ”.

Commencement Information

I12 Sch. 1 para. 23 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

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Textual Amendments

F2 Sch. 1 para. 24 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\), 416\(7\), Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 25 (1) Section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for release on licence of certain prisoners) is amended as follows.
- (2) In subsection (2), after paragraph (b) (but before “or”) insert—
“(ba) a section 236A prisoner.”.
 - (3) In subsection (3), before paragraph (b) insert—
“(ab) amend section 244A of the Criminal Justice Act 2003 (release on licence of section 236A prisoners).”.
 - (4) In subsection (6), at the end insert—
““section 236A prisoner” means a prisoner who is serving a sentence under section 236A of the Criminal Justice Act 2003 (including one imposed as a result of section 224A of the Armed Forces Act 2006).”

Commencement Information

I13 Sch. 1 para. 25 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

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