



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 1

CRIMINAL JUSTICE

Release and recall of prisoners

15 Minor amendments and transitional cases

- ^{F1}(1)
- ^{F1}(2)
- ^{F1}(3)

(4) In section 246(4) of the Criminal Justice Act 2003 (cases in which power to release before required to do so is not available), after paragraph (g) insert—

“(ga) the prisoner has at any time been released on licence under section 34A of the Criminal Justice Act 1991 and has been recalled to prison under section 38A(1)(a) of that Act (and the revocation of the licence has not been cancelled under section 38A(3) of that Act);”.

(5) In section 250 of the Criminal Justice Act 2003 (licence conditions), for subsection (5A) substitute—

“(5A) Subsection (5B) applies to a licence granted, either on initial release or after recall to prison, to a prisoner serving an extended sentence imposed under section 226A or 226B, other than a sentence that meets the conditions in section 246A(2) (release without direction of the Board).

(5B) The Secretary of State must not—

- (a) include a condition referred to in subsection (4)(b)(ii) in the licence, either on release or subsequently, or
- (b) vary or cancel any such condition included in the licence, unless the Board directs the Secretary of State to do so.”

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 15. (See end of Document for details)

- (6) In section 260(2B) of the Criminal Justice Act 2003 (early removal from prison of extended sentence prisoners liable to removal from United Kingdom), for “section 246A” substitute “ this Chapter ”.
- (7) In Schedule 20A to the Criminal Justice Act 2003 (application of Chapter 6 of Part 12 to pre-4 April 2005 cases), in paragraph 4 (modification of section 246: power to release before required to do so)—
- (a) number the existing text as sub-paragraph (1),
 - (b) in that sub-paragraph, for “Section 246 applies as if, in subsection (4)” substitute “ Section 246(4) applies as if— ”,
 - (c) in that sub-paragraph, omit paragraph (c), and
 - (d) after that sub-paragraph insert—

“(2) Section 246(6) applies as if, in the definition of “term of imprisonment”, the reference to section 227 or 228 included a reference to section 85 of the Sentencing Act.”
- (8) In Schedule 20B to the Criminal Justice Act 2003 (modifications of Chapter 6 of Part 12 in certain transitional cases), omit paragraph 3(2)(a) (application of Part 2 of the Schedule to an extended sentence under section 85 of the Powers of Criminal Courts (Sentencing) Act 2000).
- (9) In paragraph 34 of that Schedule (licence conditions in certain transitional cases)—
- (a) in sub-paragraph (1), at the end insert “and which was granted to a person serving—
 - (a) a 1967 Act sentence,
 - (b) a 1991 Act sentence, or
 - (c) a 2003 Act sentence which is an extended sentence imposed under section 227 or 228 before 14 July 2008.”, and
 - (b) in sub-paragraph (6)(a), after “condition” insert “ referred to in section 250(4)(b)(ii) ”.
- (10) The amendments made by subsections (1), (3) and (4) apply in relation to a person sentenced before the day on which they come into force as well as in relation to a person sentenced on or after that day.

Textual Amendments

F1 S. 15(1)-(3) 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](#)

Modifications etc. (not altering text)

C1 S. 15 modified in part (1.12.2020 immediately before the consolidation date (see [2020 c. 9](#), [ss. 3](#), [5\(2\)\(3\)](#) and [2020 c. 17](#), [ss. 2](#), [416](#))) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1](#), [5\(2\)\(3\)](#); [S.I. 2012/1236](#), [reg. 2](#)

Commencement Information

I1 S. 15 in force at 13.4.2015 by [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 11](#)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 15.