
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 26 and related provisions of the Criminal Justice and Immigration Act 2008 on 9th June 2008, subject to the transitional provisions in articles 3 and 4. Section 26 imposes a duty on the Secretary of State to release certain long-term prisoners (prisoners serving sentences of imprisonment of at least four years) subject to the release arrangements in the Criminal Justice Act 1991 ('the 1991 Act') at the half-way point of their sentence on licence until sentence expiry.

The transitional provision in article 3 provides that the duty to release prisoners at the half-way point does not apply to prisoners who were serving their sentence at the time the 1991 Act was commenced and whose release arrangements are governed by paragraph 8 of Schedule 12 to the 1991 Act. Article 3 also provides that the duty to release does not apply to long-term prisoners who have committed certain offences under the Terrorism Act 2000, the Anti-terrorism, Crime and Security Act 2001 and the Sexual Offences Act 1956. Article 4 concerns the requirement in paragraph 19(4) of Schedule 26 to calculate the section 26 release date for a repatriated prisoner from the date on which the provisions of the warrant specified in paragraph 1 of the Schedule to the Repatriation of Prisoners Act 1984 take effect. By virtue of the transitional provision in article 4, that requirement will not apply to repatriated prisoners whose warrants were issued prior to 9th June 2008.