



Crime (Sentences) Act 1997

1997 CHAPTER 43

PART II

EFFECT OF CUSTODIAL SENTENCES

CHAPTER II

LIFE SENTENCES

Modifications etc. (not altering text)

- C1** Pt. II Ch. II excluded (1.9.2001) by [2001 c. 17, s. 42, Sch. 7 para. 3\(1\)](#) (with [s. 78](#)); [S.I. 2001/2161, art. 2](#)

[^{F1}Sentence of detention during Her Majesty's pleasure: review of minimum term

Textual Amendments

- F1** [Ss. 27A, 27B](#) and cross-heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 128\(1\), 208\(5\)\(1\)](#)

27A Sentence of detention during Her Majesty's pleasure imposed on a person under 18: application for minimum term review

- (1) This section applies to a person who—
- (a) is serving a DHMP sentence, and
 - (b) was under the age of 18 when sentenced;
- and such a person is referred to in this section as a “relevant young offender”.
- (2) A relevant young offender may make an application for a minimum term review to the Secretary of State after serving half of the minimum term.

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- (3) An “application for a minimum term review” is an application made by a relevant young offender for a reduction in the minimum term.
- (4) Where a relevant young offender has made an application for a minimum term review under this section, the offender may only make a further such application if—
- (a) the period of 2 years beginning with the day on which the previous application was determined has expired, and
 - (b) the offender is under the age of 18 on the day on which the further application is made.
- (5) Where the Secretary of State receives an application under this section, the Secretary of State must—
- (a) consider the application, and
 - (b) unless the Secretary of State forms the view that the application is frivolous or vexatious, refer it to the High Court.
- (6) Where the Secretary of State decides not to refer the application to the High Court, the Secretary of State must give notice of that decision, and the reasons for it, to the relevant young offender.
- (7) If the relevant young offender makes representations or provides further evidence in support of the application before the end of the period of 4 weeks beginning with the day on which the notice under subsection (6) is given, the Secretary of State must consider the representations or evidence and—
- (a) if the Secretary of State is no longer of the view mentioned in subsection (5) (b), refer the application to the High Court, or
 - (b) give notice to the offender confirming the decision not to refer the application.
- (8) In this section—
- “DHMP sentence” means a sentence of detention during Her Majesty’s pleasure imposed (whether before or after this section comes into force) under a provision listed in column 1 of the table in subsection (9);
- “minimum term”, in relation to a person serving a DHMP sentence, means the part of the sentence specified—
- (a) in the minimum term order made in respect of the sentence, or
 - (b) where one or more reduction orders have been made under section 27B in respect of the sentence, in the most recent of those orders;
- “minimum term order”, in relation to a DHMP sentence, means the order made under the provision listed in column 2 of the table in subsection (9) that corresponds to the entry in column 1 that relates to the sentence.
- (9) The table is as follows—

<i>Provision under which DHMP sentence imposed</i>	<i>Provision under which minimum term order made</i>
Section 259 of the Sentencing Code	Section 322 of the Sentencing Code
Section 90 of the Powers of Criminal Courts (Sentencing) Act 2000	Section 82A of the Powers of Criminal Courts (Sentencing) Act 2000 or section 269 of the Criminal Justice Act 2003

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<i>Provision under which DHMP sentence imposed</i>	<i>Provision under which minimum term order made</i>
Section 218 of the Armed Forces Act 2006	Section 269 of the Criminal Justice Act 2003 or section 322 of the Sentencing Code.

- (10) For the purposes of subsection (4), an application for a minimum term review is determined—
- (a) when the court makes a reduction order or a decision confirming the minimum term (see section 27B), or
 - (b) in a case where the application is not referred to the court, when the Secretary of State gives the relevant young offender notice in relation to the application under subsection (6).
- (11) There is no right for any person who is serving a DHMP sentence to request a review of the minimum term other than that conferred by this section.

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Modifications etc. (not altering text)

C2 S. 27A(4) modified (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 128(3), 208(5)(l)** (with [s. 128\(4\)](#))

27B Power of High Court to reduce minimum term

- (1) This section applies where the Secretary of State refers an application for a minimum term review made by a relevant young offender under section 27A to the High Court.
- (2) The court may—
- (a) make a reduction order in relation to relevant young offender, or
 - (b) confirm the minimum term in respect of the offender’s DHMP sentence, and a decision of the court under this subsection is final.
- (3) A reduction order is an order that the relevant young offender’s minimum term is to be reduced to such part of the offender’s DHMP sentence as the court considers appropriate and is specified in the reduction order.
- (4) In deciding whether to make a reduction order, the court must, in particular, take into account any evidence—
- (a) that the relevant young offender’s rehabilitation has been exceptional;
 - (b) that the continued detention or imprisonment of the offender for the remainder of the minimum term is likely to give rise to a serious risk to the welfare or continued rehabilitation of the offender which cannot be eliminated or mitigated to a significant degree.
- (5) In this section “DHMP sentence”, “minimum term” and “relevant young offender” have the same meaning as in section 27A.]

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Release on licence

28 Duty to release certain life prisoners.

[^{F2}][^{F3}(1A) This section applies to a life prisoner in respect of whom a minimum term order has been made; and any reference in this section to the relevant part of such a prisoner's sentence is a reference to—

- [^{F4}(a) the part of the sentence specified in the minimum term order, or
- (b) in a case where one or more reduction orders has been made in relation to the prisoner (see section 27B), the part of the sentence specified in the most recent of those orders.]]

(1B) But if a life prisoner is serving two or more life sentences—

- (a) [^{F5}this section does not apply to him] unless [^{F6}a minimum term order has been made in respect of each of those sentences]; and
- (b) the provisions of subsections (5) to (8) below do not apply in relation to him until he has served the relevant part of each of them.

(5) As soon as—

- (a) a life prisoner to whom this section applies has served the relevant part of his sentence; and]
- (b) the Parole Board has directed his release under this section,

it shall be the duty of the Secretary of State to release him on licence.

(6) The Parole Board shall not give a direction under subsection (5) above with respect to a life prisoner to whom this section applies unless—

- (a) the Secretary of State has referred the prisoner's case to the Board; and
- (b) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.

[^{F7}(6A) Sections 28A and 28B contain provision that relates to the Parole Board's function of giving directions under subsection (5) for the release of life prisoners.]

(7) A life prisoner to whom this section applies may require the Secretary of State to refer his case to the Parole Board at any time—

- (a) after he has served the relevant part of his sentence; and
- (b) where there has been a previous reference of his case to the Board, after the end of the period of two years beginning with the disposal of that reference;

^{F8} ...

^{F8}(c)

and in this subsection “previous reference” means a reference under subsection (6) above or section 32(4) below.

(8) In determining for the purpose of subsection (5) or (7) above whether a life prisoner to whom this section applies has served the relevant part of his sentence, no account shall be taken of any time during which he was unlawfully at large within the meaning of section 49 of the ^{M1}Prison Act 1952.

[^{F9}(8A) In this section “minimum term order” means an order under—

- (a) subsection (2) of section 82A of the Powers of Criminal Courts (Sentencing) Act 2000 (determination of minimum term in respect of life sentence that is not fixed by law), or

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- (b) subsection (2) of section 269 of the Criminal Justice Act 2003 (determination of minimum term in respect of mandatory life sentence) [^{F10}, or
- (c) subsection (2) of section 321 of the Sentencing Code (life sentence: minimum term order etc).]]

^{F11}(9)

Textual Amendments

- F2** S. 28(1A)(1B)-(5)(a) substituted for s. 28(1)-(5)(a) (30.11.2000 with effect as mentioned in Sch. 7 para. 145 of the substituting Act) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 136(a)**
- F3** S. 28(1A) substituted (18.12.2003) by **Criminal Justice Act 2003 (c. 44), s. 275(1)(2)**, 336(2)
- F4** S. 28(1A)(a)(b) substituted for words in s. 28(1A) (28.6.2022) by **Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 128(2)**, 208(5)(l)
- F5** Words in s. 28(1B)(a) substituted (18.12.2003) by **Criminal Justice Act 2003 (c. 44), ss. 275(3)(a)**, 336(2)
- F6** Words in s. 28(1B)(a) substituted (18.12.2003) by **Criminal Justice Act 2003 (c. 44), ss. 275(3)(b)**, 336(2)
- F7** S. 28(6A) inserted (4.1.2021) by **Prisoners (Disclosure of Information About Victims) Act 2020 (c. 19), ss. 1(2)**, 3(2); S.I. 2020/1537, reg. 2
- F8** S. 28(7)(c) and word omitted (28.6.2022) by virtue of **Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 144(1)(a)**, 208(5)(p)
- F9** S. 28(8A) inserted (18.12.2003) by **Criminal Justice Act 2003 (c. 44), s. 275(1)(4)**, 336(2)
- F10** S. 28(8A)(c) and word inserted (1.12.2020) by **Sentencing Act 2020 (c. 17), s. 416(1)**, **Sch. 24 para. 145** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F11** S. 28(9) repealed (30.11.2000 with effect as mentioned in Sch. 7 para. 145 and notes to Sch. 8 of the repealing Act) by 2000 c. 43, ss. 74, 75, **Sch. 7 Pt. II para. 136(b)**, **Sch. 8**

Modifications etc. (not altering text)

- C3** S. 28: exercise of functions restricted in or as regards Scotland (30.6.1999) by S.I. 1999/1748, art. 8(2), **Sch. 4 Pt. I para. 1(1)**
- C4** S. 28 modified (18.12.2003) by **Criminal Justice Act 2003 (c. 44), s. 336(2)**, **Sch. 22 para. 16**
- C5** S. 28(1B) modified (30.11.2000) by 2000 c. 43, ss. 74, 80(3)(d), **Sch. 7 Pt. II para. 146-148**

Marginal Citations

- M1** 1952 c.52.

[^{F12}28A Murder or manslaughter: prisoner's non-disclosure of information

- (1) The Parole Board must comply with this section when making a public protection decision about a life prisoner if—
 - (a) the prisoner's life sentence was passed for murder or manslaughter;
 - (b) the Parole Board does not know where and how the victim's remains were disposed of; and
 - (c) the Parole Board believes that the prisoner has information about where, or how, the victim's remains were disposed of (whether the information relates to the actions of the prisoner or any other individual) which the prisoner has not disclosed to the Parole Board (“the prisoner's non-disclosure”).
- (2) When making the public protection decision about the life prisoner, the Parole Board must take into account—

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- (a) the prisoner's non-disclosure; and
 - (b) the reasons, in the Parole Board's view, for the prisoner's non-disclosure.
- (3) This section does not limit the matters which the Parole Board must or may take into account when making a public protection decision.
- (4) In subsection (1)(a)—
- (a) the reference to a life sentence includes a life sentence passed before the coming into force of section 1 of the Prisoners (Disclosure of Information About Victims) Act 2020;
 - (b) the reference to murder includes—
 - (i) murder under the law of Scotland, Northern Ireland, any of the Channel Islands or the Isle of Man, and
 - (ii) any offence under the law of any other country or territory that corresponds to murder under the law of England and Wales;
 - (c) the reference to manslaughter includes—
 - (i) culpable homicide under the law of Scotland,
 - (ii) manslaughter under the law of Northern Ireland, any of the Channel Islands or the Isle of Man, and
 - (iii) any offence under the law of any other country or territory that corresponds to manslaughter under the law of England and Wales.
- (5) In this section, in relation to a life prisoner—
- “public protection decision” means the decision, made under section 28(6) (b) for the purposes of section 28(5), as to whether the Parole Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined;
 - “victim” means the victim of the offence for which the prisoner's life sentence was passed;
- and a reference to the victim's remains being disposed of includes the remains being left at the location where the victim died.

Textual Amendments

F12 Ss. 28A, 28B inserted (4.1.2021) by [Prisoners \(Disclosure of Information About Victims\) Act 2020](#) (c. 19), [ss. 1\(1\), 3\(2\)](#); [S.I. 2020/1537](#), [reg. 2](#)

28B Indecent images: prisoner's non-disclosure of information

- (1) The Parole Board must comply with this section when making a public protection decision about a life prisoner if—
- (a) the prisoner's life sentence was passed for—
 - (i) an offence of taking an indecent photograph of a child, or
 - (ii) a relevant offence of making an indecent pseudo-photograph of a child;
 - (b) the Parole Board does not know the identity of the child who is the subject of the relevant indecent image; and
 - (c) the Parole Board believes that the prisoner has information about the identity of the child who is the subject of the relevant indecent image which

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the prisoner has not disclosed to the Parole Board (“the prisoner's non-disclosure”).

- (2) When making the public protection decision about the prisoner, the Parole Board must take into account—
 - (a) the prisoner's non-disclosure; and
 - (b) the reasons, in the Parole Board's view, for the prisoner's non-disclosure.
- (3) This section does not limit the matters which the Parole Board must or may take into account when making a public protection decision.
- (4) In subsection (1)(a), the reference to a life sentence includes a life sentence passed before the coming into force of section 1 of the Prisoners (Disclosure of Information About Victims) Act 2020.
- (5) For the purposes of this section, an offence is an “offence of taking an indecent photograph of a child” if it is—
 - (a) an offence of taking an indecent photograph of a child under section 1(1)(a) of the Protection of Children Act 1978 (the “England and Wales offence”), or
 - (b) an offence of taking an indecent photograph of a child under the law of Scotland, Northern Ireland, any of the Channel Islands, the Isle of Man or any other country or territory that corresponds to the England and Wales offence.
- (6) For the purposes of this section, an offence is a “relevant offence of making an indecent pseudo-photograph of a child” if—
 - (a) it is—
 - (i) an offence under section 1(1)(a) of the Protection of Children Act 1978 of making an indecent pseudo-photograph of a child (the “England and Wales offence”), or
 - (ii) an offence of making an indecent pseudo-photograph of a child under the law of Scotland, Northern Ireland, any of the Channel Islands, the Isle of Man or any other country or territory that corresponds to the England and Wales offence, and
 - (b) the Parole Board believes that an image of a real child was or may have been used in the making of the pseudo-photograph;and in the application of this section to a relevant offence of making an indecent pseudo-photograph of a child, the references in subsection (1)(b) and (c) to the child who is the subject of the relevant indecent image are references to the real child.
- (7) In this section—

“public protection decision”, in relation to a prisoner, means the decision, made under section 28(6)(b) for the purposes of section 28(5), as to whether the Parole Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined;

“relevant indecent image” means—

 - (a) the photograph to which an offence of taking an indecent photograph of a child relates, or
 - (b) the pseudo-photograph to which a relevant offence of making an indecent pseudo-photograph of a child relates.]

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Textual Amendments

F12 Ss. 28A, 28B inserted (4.1.2021) by [Prisoners \(Disclosure of Information About Victims\) Act 2020](#) (c. 19), [ss. 1\(1\), 3\(2\)](#); [S.I. 2020/1537](#), reg. 2

^{F13}29 Power to release other life prisoners.

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Textual Amendments

F13 S. 29 repealed (18.12.2003) by [Criminal Justice Act 2003](#) (c. 44), [ss. 303\(b\)\(i\), 336\(2\)](#), [Sch. 37 Pt. 8](#)

30 Power to release life prisoners on compassionate grounds.

- (1) The Secretary of State may at any time release a life prisoner on licence if he is satisfied that exceptional circumstances exist which justify the prisoner's release on compassionate grounds.
- (2) Before releasing a life prisoner under subsection (1) above, the Secretary of State shall consult the Parole Board, unless the circumstances are such as to render such consultation impracticable.

Modifications etc. (not altering text)

C6 S. 30: exercise of functions restricted in or as regards Scotland (30.6.1999) by [S.I. 1999/1748](#), [art. 8\(2\)](#), [Sch. 4 Pt. I para. 1\(1\)](#)

Licences and recall

31 Duration and conditions of licences.

- (1) Where a life prisoner [^{F14}other than a prisoner to whom section 31A below applies,] is released on licence, the licence shall, unless previously revoked under section 32 ^{F15}... below, remain in force until his death.
- [^{F16}(1A) Where a prisoner to whom section 31A below applies is released on licence, the licence shall remain in force until his death unless—
 - (a) it is previously revoked under section 32(1) or (2) below; or
 - (b) it ceases to have effect in accordance with an order made by the Secretary of State under section 31A below.]
- (2) A life prisoner subject to a licence shall comply with such conditions ^{F17}... as may for the time being be specified in the licence; and the Secretary of State may make rules for regulating the supervision of any description of such persons.
- [^{F18}(2A) The conditions so specified shall include on the prisoner's release conditions as to his supervision by—
 - (a) [^{F19}an officer of a local probation board] appointed for or assigned to the [^{F20}local justice area] within which the prisoner resides for the time being [^{F21}or

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- (as the case may be) an officer of a provider of probation services acting in the local justice area within which the prisoner resides for the time being];
- (b) where the prisoner is under the age of 22, a social worker of the ^{F22}... local authority within whose area the prisoner resides for the time being; or
- (c) where the prisoner is under the age of 18, a member of a youth offending team established by that local authority under section 39 of the Crime and Disorder Act 1998.]
- [^{F23}(3) The Secretary of State must not include a condition in a life prisoner's licence on release, insert a condition in such a licence or vary or cancel a condition of such a licence except—
- (a) in accordance with recommendations of the Parole Board, or
- (b) where required to do so by an order under section 62A of the Criminal Justice and Court Services Act 2000 (compulsory electronic monitoring conditions).]
- ^{F24}(4)
- (5) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In relation to a life prisoner who is liable to removal from the United Kingdom (within the meaning given by [^{F25}section 259 of the Criminal Justice Act 2003]), subsection (2) above shall have effect as if [^{F26}subsection (2A) above] were omitted.

Textual Amendments

- F14** Words in s. 31(1) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 18 para. 1\(2\)](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 40](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))
- F15** Words in s. 31(1) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), art. 2(1), Sch. 1 para. 50(2)(b)
- F16** S. 31(1A) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 18 para. 1\(3\)](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 40](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))
- F17** Words in s. 31(2) repealed (30.9.1998 in the areas specified in [S.I. 1998/2327, Sch. 1](#) and otherwise 1.4.2000) by [1998 c. 37, ss. 119, 120\(2\), Sch. 8 para. 131\(1\), Sch. 10](#); [S.I. 1998/2327](#), art. 3(1)(b)(c), [Sch. 1](#); [S.I. 2000/924, art. 3](#)
- F18** S. 31(2A) inserted (30.9.1998 in the areas specified in [S.I. 1998/2327, Sch. 1](#) and otherwise 1.4.2000) by [1998 c. 37, s. 119, Sch. 8 para. 131\(2\)](#); [S.I. 1998/2327](#), art. 3(1)(b), [Sch. 1](#); [S.I. 2000/924, art. 3](#)
- F19** Words in s. 31(2A)(a) substituted (1.4.2001) by [2000 c. 43, s. 74, Sch. 7 Pt. 1 para. 4\(1\)\(a\)\(2\)](#); [S.I. 2001/919, art. 2\(f\)\(i\)](#)
- F20** Words in s. 31(2A)(a) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 53](#)
- F21** Words in s. 31(2A)(a) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\), Sch. 1 para. 12\(2\)](#)
- F22** Words in s. 31(2A)(b) repealed (1.4.2005 for E., 1.4.2006 for W.) by [Children Act 2004 \(c. 31\), Sch. 5 Pt. 4](#); [S.I. 2005/394, art. 2\(2\)\(g\)](#); [S.I. 2006/885, art. 2\(2\)](#)

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- F23** S. 31(3) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 2 para. 1** (with s. 7(5)); S.I. 2015/778, art. 3, Sch. 1 para. 73
- F24** S. 31(4) repealed (18.12.2003) by Criminal Justice Act 2003 (c. 44), s. 336(2), Sch. 32 para. 83(3), **Sch. 37 Pt. 8**
- F25** Words in s. 31(6) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 83(4)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F26** Words in s. 31(6) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 131(3)**; S.I. 1998/2327, **art. 2(2)(mm)**.

Modifications etc. (not altering text)

- C7** S. 31: exercise of functions restricted in or as regards Scotland (30.6.1999) by S.I. 1999/1748, **art. 8(2)**, **Sch. 4 Pt. 1 para. 1**
- C8** S. 31(6) modified (1.1.1998) by S.I. 1997/2200, **art. 5(3)(a)**
 S. 31(6) modified (19.9.1998) by S.I. 1998/2327, **art. 5(1)(b)**.

[^{F27} 31A Imprisonment or detention for public protection: termination of licences

- (1) This section applies to a prisoner who—
- is serving one or more preventive sentences, and
 - is not serving any other life sentence.
- (2) Where—
- the prisoner has been released on licence under this Chapter [^{F28}(whether or not the prisoner has subsequently been recalled to prison under section 32)]; and
 - the qualifying period has expired,
- the Secretary of State shall, if directed to do so by the Parole Board, order that the licence is to cease to have effect.

[^{F29}(3) Where—

- the prisoner has been released on licence under this Chapter (whether or not the prisoner has subsequently been recalled to prison under section 32);
- the qualifying period has expired; and
- if the Secretary of State has made a previous reference of the prisoner's case under this subsection, the period of twelve months beginning with the day of the disposal of that reference has expired,

the Secretary of State must refer the prisoner's case to the Parole Board under this subsection.]

(4) Where [^{F30}a reference] is made under subsection (3) above, the Parole Board—

- shall, if it is satisfied that it is no longer necessary for the protection of the public that the licence should remain in force, direct the Secretary of State to make an order that the licence is to cease to have effect;
- shall otherwise dismiss the [^{F31}reference].

[A reference under subsection (3) must be made, and a reference under that subsection ^{F32}(4A) must be determined by the Parole Board under subsection (4), even if at the time of

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the reference or determination the prisoner is in prison having been recalled under section 32.

(4B) If at the time of the determination the prisoner is in prison having been recalled under section 32—

- (a) subsection (2) does not apply, and
- (b) subsection (4)(a) has effect as if it required the Parole Board—
 - (i) to determine whether it is satisfied that it is not necessary for the protection of the public for the prisoner, when released, to be released on licence in respect of the preventative sentence or sentences, and
 - (ii) if it is so satisfied, to direct the Secretary of State accordingly.

(4C) Where the Parole Board gives a direction under subsection (4B)(b)(ii)—

- (a) if at any time the Board directs the prisoner's release under section 28, that section has effect in relation to the prisoner as if, in subsection (5), for "to release him on licence" there were substituted "to release the prisoner unconditionally", and
- (b) if at any time the Board directs the prisoner's release under section 32, that section has effect in relation to the prisoner as if, in subsection (5), for "immediate release on licence" there were substituted "immediate unconditional release".]

(5) In this section—

"preventive sentence" means a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or a sentence of detention for public protection under section 226 of that Act [^{F33}(including such a sentence of imprisonment [^{F34}or detention in a young offender institution] or detention passed as a result of section 219 or 221 of the Armed Forces Act 2006)];

"the qualifying period", in relation to a prisoner who has been released on licence [^{F35}(whether or not the prisoner has subsequently been recalled to prison under section 32)], means the period of ten years beginning with the date of his release.]

Textual Amendments

- F27** S. 31A inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 18 para. 2; S.I. 2005/950, art. 2\(1\), Sch. 1 para. 40](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2\(1\)](#))
- F28** Words in s. 31A(2)(a) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 138\(2\), 208\(5\)\(o\)](#)
- F29** S. 31A(3) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 138\(3\), 208\(5\)\(o\)](#)
- F30** Words in s. 31A(4) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 138\(4\)\(a\), 208\(5\)\(o\)](#)
- F31** Word in s. 31A(4)(b) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 138\(4\)\(b\), 208\(5\)\(o\)](#)
- F32** S. 31A(4A)-(4C) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 138\(5\), 208\(5\)\(o\)](#)

Changes to legislation: *Crime (Sentences) Act 1997, Chapter II is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F33** Words in s. 31A(5) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 141**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F34** Words in s. 31A(5) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 117(10)(a), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F35** Words in s. 31A(5) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 138(6), 208(5)(o)**

Modifications etc. (not altering text)

- C9** S. 31A(3) applied (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 138(9)(10), 208(5)(o)**
- C10** S. 31A(4)-(4C) applied (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 138(7)(8), 208(5)(o)**
- C11** S. 31A(4) applied (22.7.2019) by [The Parole Board Rules 2019 \(S.I. 2019/1038\)](#), rules 1, **31(4)**

32 Recall of life prisoners while on licence.

- [^{F36}(1) The Secretary of State may, in the case of any life prisoner who has been released on licence under this Chapter, revoke his licence and recall him to prison.]
- (3) A life prisoner recalled to prison under [^{F37}this section]—
- may make representations in writing with respect to his recall; and
 - on his return to prison, shall be informed of the reasons for his recall and of his right to make representations.
- (4) The Secretary of State shall refer to the Parole Board [^{F38}the case of a life prisoner recalled under this section].
- [^{F39}(5) Where on a reference under subsection (4) above the Parole Board directs the ^{F40}... release on licence under this section of the life prisoner, the Secretary of State shall give effect to the direction.]
- [^{F41}(5A) The Board must not give a direction unless satisfied that it is no longer necessary for the protection of the public that the life prisoner should remain in prison.]
- (6) On the revocation of the licence of any life prisoner under this section, he shall be liable to be detained in pursuance of his sentence and, if at large, shall be deemed to be unlawfully at large.

Textual Amendments

- F36** S. 32(1) substituted for s. 32(1)(2) (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 31(2), 153(7)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 17
- F37** Words in s. 32(3) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 31(3), 153(7)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 17
- F38** Words in s. 32(4) substituted for s. 32(4)(a)(b) (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 31(4), 153(7)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 17
- F39** S. 32(5) substituted (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), **Sch. 32 para. 84**
- F40** Word in s. 32(5) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 139(1)(a), 208(1)**; S.I. 2022/520, reg. 5(o)
- F41** S. 32(5A) inserted (29.6.2022) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 11(2), 95(1)** (with s. 11(5)); S.I. 2022/716, art. 2

Changes to legislation: Crime (Sentences) Act 1997, Chapter II is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

- C12** S. 32: exercise of functions restricted in or as regards Scotland (30.6.1999) by [S.I. 1999/1748, art. 8\(2\), Sch. 4 Pt. 1 para. 1](#)
- C13** S. 32: power to amend conferred (29.6.2022) by 2012 c. 10, s. 128(3)(aa) (as inserted by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 11\(3\), 95\(1\); S.I. 2022/716, art. 2](#))

[^{F42}32ZA Offence of remaining unlawfully at large after recall

- (1) A person recalled to prison under section 32 commits an offence if the person—
- (a) has been notified of the recall orally or in writing, and
 - (b) while unlawfully at large fails, without reasonable excuse, to take all necessary steps to return to prison as soon as possible.
- (2) A person is to be treated for the purposes of subsection (1)(a) as having been notified of the recall if—
- (a) written notice of the recall has been delivered to an appropriate address, and
 - (b) a period specified in the notice has elapsed.
- (3) In subsection (2) “an appropriate address” means—
- (a) an address at which, under the person's licence, the person is permitted to reside or stay, or
 - (b) an address nominated, in accordance with the person's licence, for the purposes of this section.
- (4) A person is also to be treated for the purposes of subsection (1)(a) as having been notified of the recall if—
- (a) the person's licence requires the person to keep in touch in accordance with any instructions given by an officer of a provider of probation services,
 - (b) the person has failed to comply with such an instruction, and
 - (c) the person has not complied with such an instruction for at least 6 months.
- (5) A person who is guilty of an offence under this section is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine (or both);
 - (b) on summary conviction to imprisonment for a term not exceeding [^{F43}the general limit in a magistrates' court] or a fine (or both).
- (6) In relation to an offence committed before [^{F44}2 May 2022], the reference in subsection (5)(b) to [^{F45}the general limit in a magistrates' court] is to be read as a reference to 6 months.
- (7) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (5)(b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum.]

Textual Amendments

- F42** S. 32ZA inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 12\(1\), 95\(1\)](#) (with s. 12(3)); [S.I. 2015/778, art. 3, Sch. 1 para. 8](#)

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- F43** Words in s. 32ZA(5)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table
- F44** Words in s. 32ZA(6) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F45** Words in s. 32ZA(6) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table

[^{F46}Release at the direction of Parole Board

Textual Amendments

- F46** [S. 32ZB](#) and cross-heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 139(1)(b)**, 208(1); S.I. 2022/520, reg. 5(o)

32ZB Release at direction of Parole Board: timing

- (1) This section applies where the Parole Board directs the release of a life prisoner under section 28 or 32.
- (2) The Secretary of State must give effect to the direction of the Parole Board as soon as is reasonably practicable in all the circumstances including, in particular, the need to make arrangements in connection with any conditions that are to be included in the life prisoner's licence under this Chapter.
- (3) The duty under subsection (2) is subject to provision made pursuant to section 239(5C) (b) of the Criminal Justice Act 2003 (provision in Parole Board rules in relation to setting aside of release directions).]

[^{F47}Persons liable to removal from the United Kingdom

Textual Amendments

- F47** [Ss. 32A, 32B](#) and cross-heading inserted (1.5.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 119**, 151(2)(b) (with [Sch. 15](#))

32A Removal of prisoners liable to removal from United Kingdom

- (1) Where P—
 - (a) is a life prisoner in respect of whom a minimum term order has been made, and
 - (b) is liable to removal from the United Kingdom,
 the Secretary of State may remove P from prison under this section at any time after P has served the relevant part of the sentence (whether or not the Parole Board has directed P's release under section 28).
- (2) But if P is serving two or more life sentences—

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- (a) this section does not apply to P unless a minimum term order has been made in respect of each of those sentences; and
 - (b) the Secretary of State may not remove P from prison under this section until P has served the relevant part of each of them.
- (3) If P is removed from prison under this section—
 - (a) P is so removed only for the purpose of enabling the Secretary of State to remove P from the United Kingdom under powers conferred by—
 - (i) Schedule 2 or 3 to the Immigration Act 1971, or
 - (ii) section 10 of the Immigration and Asylum Act 1999, and
 - (b) so long as remaining in the United Kingdom, P remains liable to be detained in pursuance of the sentence.
- (4) So long as P, having been removed from prison under this section, remains in the United Kingdom but has not been returned to prison, any duty or power of the Secretary of State under section 28 or 30 is exercisable in relation to P as if P were in prison.
- (5) In this section—
 - “liable to removal from the United Kingdom” has the meaning given by section 259 of the Criminal Justice Act 2003;
 - “the relevant part” has the meaning given by section 28.

32B Re-entry into United Kingdom of offender removed from prison

- (1) This section applies if P, having been removed from prison under section 32A, is removed from the United Kingdom.
- (2) If P enters the United Kingdom—
 - (a) P is liable to be detained in pursuance of the sentence from the time of P's entry into the United Kingdom;
 - (b) if no direction was given by the Parole Board under subsection (5) of section 28 before P's removal from prison, that section applies to P;
 - (c) if such a direction was given before that removal, P is to be treated as if P had been recalled to prison under section 32.
- (3) A person who is liable to be detained by virtue of subsection (2)(a) is, if at large, to be taken for the purposes of section 49 of the Prison Act 1952 (persons unlawfully at large) to be unlawfully at large.
- (4) Subsection (2)(a) does not prevent P's further removal from the United Kingdom.]

Miscellaneous and supplemental

^{F48}**33 Life prisoners transferred to England and Wales.**

.....

Textual Amendments

F48 S. 33 repealed (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(b)(ii), 336(2), [Sch. 37 Pt. 8](#)

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[^{F49}33A Life prisoners also serving fixed-term sentence

- (1) This section applies where a life prisoner is also serving one or more sentences by virtue of which the fixed-term provisions apply to the offender.
- (2) Nothing in this Chapter requires the Secretary of State to release the prisoner unless the Secretary of State is also required by the fixed-term provisions to release the prisoner.
- (3) Nothing in this Chapter requires the Secretary of State to refer the prisoner's case to the Parole Board unless the Secretary of State is also required by the fixed-term provisions to—
 - (a) refer the prisoner's case to the Board, or
 - (b) release the prisoner.
- (4) Subsection (3) does not apply to a reference by the Secretary of State under section 31A(3).
- (5) The fact that the prisoner is serving a life sentence is to be ignored in determining, for the purposes of subsections (2) and (3), what the fixed-term provisions require.
- (6) In this section “the fixed-term provisions” means Chapter 6 of Part 12 of the Criminal Justice Act 2003.]

Textual Amendments

F49 S. 33A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 144(1)(b), 208(5)(p)**

34 Interpretation of Chapter II.

- (1) In this Chapter “life prisoner” means a person serving one or more life sentences [^{F50}and includes a transferred life prisoner as defined by section 273 of the Criminal Justice Act 2003]; ^{F51}...
- (2) In this section “life sentence” means any of the following imposed for an offence, whether committed before or after the commencement of this Chapter, namely—
 - (a) a sentence of imprisonment for life;
 - (b) a sentence of detention during Her Majesty's pleasure or for life under [^{F52}section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000][^{F53}or section 250 or 259 of the Sentencing Code]; and
 - (c) a sentence of custody for life [^{F54}under section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000, under section 272 or 275 of the Sentencing Code (including a sentence passed as a result of section 217 of the Armed Forces Act 2006) or under section 210A of the Armed Forces Act 2006].
 - [^{F55}(d) a sentence of imprisonment [^{F56}or detention in a young offender institution] for public protection under section 225 of the Criminal Justice Act 2003 [^{F57}(including one passed as a result of section 219 of the Armed Forces Act 2006), ^{F58}...
 - (e) a sentence of detention for public protection under section 226 of that Act [^{F59}(including one passed as a result of section 221 of the Armed Forces Act 2006)].]

Changes to legislation: *Crime (Sentences) Act 1997, Chapter II is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[^{F60}(f) a sentence of detention for life under section 209 of the Armed Forces Act 2006;

(g) a sentence under section 218 of that Act (detention at Her Majesty's pleasure).]

^{F61}(3)

^{F62}(4)

Textual Amendments

- F50** Words in s. 34(1) inserted (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 273(4)**, 336(2)
- F51** Word in s. 34(1) repealed (30.11.2000 with effect as mentioned in Sch. 7 para. 145 and notes to Sch. 8 of the repealing Act) by [2000 c. 43](#), **ss. 74, 75, 80(3)(d)**, [Sch. 7 Pt. II para. 138](#), **Sch. 8**
- F52** Words in s. 34(2)(3) substituted (25.8.2000) by [2000 c. 6](#), **ss. 165, 168(1)**, **Sch. 9 para. 183(2)(3)**
- F53** Words in s. 34(2)(b) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 146(a)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F54** Words in s. 34(2)(c) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 146(b)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F55** S. 34(2)(d)(e) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 18 para. 3**; [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 40](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))
- F56** Words in s. 34(2)(d) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 117(10)(b)**, 151(1) (with [Sch. 15](#)); [S.I. 2012/2906](#), art. 2(d)
- F57** Words in s. 34(2)(d) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 142(2)(a)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F58** Word in s. 34(2)(d) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 17**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F59** Words in s. 34(2)(e) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 142(2)(b)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F60** S. 34(2)(f)(g) added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 142(2)(c)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F61** S. 34(3) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 142\(3\)](#), **Sch. 17**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F62** [S. 34\(4\)](#) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 144(1)(c)**, 208(5)(p)

Modifications etc. (not altering text)

- C14** S. 34: exercise of functions restricted in or as regards Scotland (30.6.1999) by [S.I. 1999/1748](#), art. 8(2), **Sch. 4 Pt. I para. 1**
- C15** S. 34(1) extended (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), **Sch. 22 para. 17**
- C16** S. 34(2) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), **Sch. 1 para. 40**

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 35(5)(c)s. 35(8)(a) by [2000 c. 43 Sch. 7 para. 139\(b\)](#)
- s. 8(5) by [2000 c. 43 Sch. 7 para. 143](#)