
Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 6

SENTENCE AND PAROLE BOARD RELEASE FOR OFFENDERS OF PARTICULAR CONCERN

PART 1

SENTENCE AND RELEASE

Introduction

1 The Criminal Justice Act 2003 is amended as follows.

Commencement Information

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

Sentence

F12

Textual Amendments

F1 Sch. 1 paras. 2-4 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

F13

Textual Amendments

F1 Sch. 1 paras. 2-4 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Offences of particular concern

F14

Textual Amendments

F1 Sch. 1 paras. 2-4 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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Release on licence to be directed by Parole Board

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

Commencement Information

I2 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).
- (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).”

Commencement Information

I3 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.

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- (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”.

Commencement Information

I4 Sch. 1 para. 7 in force at 13.4.2015 by [S.I. 2015/778, art. 3, Sch. 1 para. 72](#)

PART 2

OFFENDERS CONVICTED OF SERVICE OFFENCES

Armed Forces Act 2006 (c. 52)

8 In the Armed Forces Act 2006, after section 224 insert—

“224A Special custodial sentence for certain offenders of particular concern

- (1) This section applies where—
- (a) a person is convicted by the Court Martial of an offence under section 42 (criminal conduct) (whether the offence was committed before or after this section comes into force),
 - (b) the corresponding offence under the law of England and Wales is an offence listed in Schedule 18A to the 2003 Act,
 - (c) the person was aged 18 or over when the offence was committed, and
 - (d) the court does not impose one of the following for the offence—
 - (i) a sentence of imprisonment for life, or
 - (ii) an extended sentence of imprisonment under section 226A of the 2003 Act (as applied by section 219A of this Act).
- (2) If the court imposes a sentence of imprisonment for the offence, section 236A(2) to (4) of the 2003 Act apply in relation to the term of the sentence.
- (3) The references in subsections (1)(d) and (2) to a sentence imposed for the offence include a sentence imposed for the offence and one or more offences associated with it.
- (4) In Schedule 18A to the 2003 Act, as applied by this section, the reference in paragraph 24 to section 30 of the Counter-Terrorism Act 2008 is to be read as a reference to section 32 of that Act.”

Commencement Information

I5 Sch. 1 para. 8 in force at 13.4.2015 by [S.I. 2015/778, art. 3, Sch. 1 para. 72](#)

*Changes to legislation: There are currently no known outstanding effects for the
Criminal Justice and Courts Act 2015, SCHEDULE 1. (See end of Document for details)*

PART 3

TRANSITIONAL AND TRANSITORY PROVISION

Application of new provisions about special custodial sentences

- 9 (1) Section 236A of the Criminal Justice Act 2003, inserted by paragraph 2 of this Schedule, applies in relation to the sentencing of a person for an offence after that paragraph comes into force, whether the person was convicted of the offence before or after it comes into force.
- (2) Section 224A of the Armed Forces Act 2006, inserted by paragraph 8 of this Schedule, applies in relation to the sentencing of a person for an offence after that paragraph comes into force, whether the person was convicted of the offence before or after it comes into force.

Commencement Information

I6 Sch. 1 para. 9 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

Detention in a young offender institution

^{F2}10

Textual Amendments

F2 Sch. 1 para. 10 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

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

I7 Sch. 1 para. 11 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, SCHEDULE 1. (See end of Document for details)

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

I8 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)

^{F3}13

Textual Amendments

F3 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

I9 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

I10 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 ”.

*Changes to legislation: There are currently no known outstanding effects for the
 Criminal Justice and Courts Act 2015, SCHEDULE 1. (See end of Document for details)*

Commencement Information

I11 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.”

Commencement Information

I12 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

I13 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

I14 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

I15 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”.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, SCHEDULE 1. (See end of Document for details)

Commencement Information

I16 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

I17 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,
- (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

I18 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

F4 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).”

Changes to legislation: *There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, SCHEDULE 1. (See end of Document for details)*

(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

I19 Sch. 1 para. 25 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 72](#)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, SCHEDULE 1.