

SCHEDULES

SCHEDULE 3

Section 8

RECALL ADJUDICATORS: FURTHER PROVISION

Mental Health Act 1983 (c. 20)

- 1 The Mental Health Act 1983 is amended as follows.
- 2 In section 50(3)(a) (further provisions as to prisoners under sentence: disregarding Parole Board powers when identifying release date), after “Board” insert “or a recall adjudicator (as defined in section 239A of the Criminal Justice Act 2003)”.
- 3 (1) Section 74 (restricted patients subject to restriction directions) is amended as follows.
 - (2) In subsection (5A)(a) and (b), after “Board” (in each place) insert “or a recall adjudicator”.
 - (3) At the end insert—

“(8) In this section “recall adjudicator” has the meaning given in section 239A of the Criminal Justice Act 2003.”

Criminal Justice Act 2003 (c. 44)

- 4 The Criminal Justice Act 2003 is amended as follows.
- 5 Before section 239 insert—

“Parole Board and recall adjudicators”.
- 6 In section 239(1)(b) (functions of the Parole Board), after “by” insert “or under”.
- 7 (1) Section 250 (licence conditions) is amended as follows.
 - (2) In subsection (5A) (inserted by section 15 of this Act), for “Subsection (5B) applies to a licence granted, either on initial release or after recall to prison,” substitute “Subsections (5B) and (5C) apply”.
 - (3) In subsection (5B) (inserted by section 15 of this Act), at the beginning insert “In the case of a licence granted when the prisoner is initially released,”.
 - (4) After that subsection insert—

“(5C) In the case of a licence granted when the prisoner is released after recall to prison, 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 a recall adjudicator directs the Secretary of State to do so.”

Status: This is the original version (as it was originally enacted).

- 8 In section 260(2B) (early removal from prison of extended sentence prisoners liable to removal from United Kingdom), after “Board” insert “or a recall adjudicator”.
- 9 In section 268 (interpretation of Chapter 6 of Part 12), at the appropriate place insert—
“recall adjudicator” has the meaning given in section 239A.”
- 10 In paragraph 34 of Schedule 20B (licence conditions in certain transitional cases), for sub-paragraph (6) substitute—
“(6) In the case of a Parole Board licence granted when the prisoner is initially released, the Secretary of State must not—
(a) include a condition referred to in section 250(4)(b)(ii) in the licence, either on release or subsequently, or
(b) vary or cancel any such condition,
unless the Board directs the Secretary of State to do so.
(7) In the case of a Parole Board licence granted when the prisoner is released after recall to prison, the Secretary of State must not—
(a) include a condition referred to in section 250(4)(b)(ii) in the licence, either on release or subsequently, or
(b) vary or cancel any such condition,
unless a recall adjudicator directs the Secretary of State to do so.”
- 11 In paragraph 37(2) of that Schedule (early removal from prison of prisoners liable to removal from United Kingdom in certain transitional cases)—
(a) after “Board” insert “or the recall adjudicator”, and
(b) for “paragraph 6, 15, 25 or 28” substitute “this Chapter”.

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 12 In Schedule 9 to the Domestic Violence, Crime and Victims Act 2004 (authorities within the remit of the Commissioner for Victims and Witnesses), after paragraph 26 insert—
“26A A recall adjudicator (as defined in section 239A of the Criminal Justice Act 2003).”

Offender Management Act 2007 (c. 21)

- 13 The Offender Management Act is amended as follows.
- 14 In section 3(7)(a) (arrangements for the provision of probation services: risk of conflict of interests), for “or to the Parole Board for England and Wales” substitute “, to the Parole Board for England and Wales or to a recall adjudicator (as defined in section 239A of the Criminal Justice Act 2003)”.
- 15 In section 14(2) (disclosure of information for offender management purposes), after paragraph (d) insert—
“(da) a recall adjudicator (as defined in section 239A of the Criminal Justice Act 2003);”.

Coroners and Justice Act 2009 (c. 25)

- 16 In section 131(4)(d) of the Coroners and Justice Act 2009 (annual report of Sentencing Council for England and Wales: effect of factors not related to sentencing), after “Board” insert “or a recall adjudicator (as defined in section 239A of the Criminal Justice Act 2003)”.

Equality Act 2010 (c. 15)

- 17 In Part 1 of the Schedule 19 to the Equality Act 2010 (public authorities: general), after the entry for the Parole Board for England and Wales insert—
“A recall adjudicator (as defined in section 239A of the Criminal Justice Act 2003).”