

Draft Order laid before Parliament under section 34A(6) of the Criminal Justice Act 1991, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

PRISONS

**The Release of Short-Term Prisoners on Licence
(Amendment of Requisite Period) Order 2002**

Made - - - - 2002
Coming into force - - 16th December 2002

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 34A(5)(b) of the Criminal Justice Act 1991(1), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Release of Short-Term Prisoners on Licence (Amendment of Requisite Period) Order 2002 and shall come into force on 16th December 2002.

Requisite period

2.—(1) In section 34A(4)(b) of the Criminal Justice Act 1991, for “eight months” there is substituted “twelve months”.

(2) In section 34A(4)(c) of that Act, for “eight months” there is substituted “twelve months”, and for “60 days” there is substituted “90 days”.

2002

Home Office
Parliamentary Under-Secretary of State

(1) 1991 c. 53. Section 34A was inserted by section 99 of the Crime and Disorder Act 1998 (c. 37).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 34A(4) of the Criminal Justice Act 1991, which defines “the requisite period” after which a short-term prisoner to whom section 34A(1) of that Act applies may be released on licence pursuant to section 34A(3) of that Act.

Unamended, section 34A(4)(b) required short-term prisoners with terms of imprisonment of four months or more but less than eight months to serve a period equal to one-quarter of their term before becoming eligible for release under that section. Section 34A(4)(c) required short-term prisoners with terms of eight months or more to serve a period that was 60 days less than one-half of their term before becoming so eligible.

This Order amends the definition of “the requisite period” so that prisoners with terms of imprisonment of four months or more but less than twelve months serve one-quarter of their term before becoming eligible for release. For those short-term prisoners with terms of imprisonment of twelve months or more, the requisite period is amended by this Order to be a period that is 90 days less than one-half of their term.