



Criminal Justice Act 1982

1982 CHAPTER 48

PART II

PARTIAL SUSPENSION OF SENTENCES, EARLY RELEASE, RELEASE ON LICENCE OR BAIL ETC.

Early release

32 Early release of prisoners.

- (1) The Secretary of State may order that persons of any class specified in the order who are serving a sentence of imprisonment, other than—
- (a) imprisonment for life [^{F1}, imprisonment for public protection [^{F2}, a serious terrorism sentence]^{F3} ... or an extended sentence ^{F4}...]; or
 - (b) imprisonment to which they were sentenced—
 - (i) for an excluded offence;
 - (ii) for attempting to commit such an offence;
 - (iii) for conspiracy to commit such an offence; or
 - (iv) for aiding or abetting, counselling, procuring or inciting the commission of such an offence, [^{F5}or
 - (c) imprisonment to which they were sentenced for an offence under section 42 of the Armed Forces Act 2006 (criminal conduct) as respects which the corresponding offence under the law of England and Wales (within the meaning of that section) is—
 - (i) an excluded offence;
 - (ii) an attempt to commit an excluded offence;
 - (iii) conspiracy to commit an excluded offence; or
 - (iv) aiding or abetting, counselling, procuring or inciting the commission of an excluded offence.]

shall be released from prison at such time earlier (but not more than six months earlier) than they would otherwise be so released as may be fixed by the order; but the

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Secretary of State shall not make an order under this section unless he is satisfied that it is necessary to do so in order to make the best use of the places available for detention.

[^{F6}(1A) In this section—

- (a) references to a sentence of imprisonment include a sentence of detention (other than a sentence of service detention within the meaning of the Armed Forces Act 2006), including a detention and training order and an order under section 211 of the Armed Forces Act 2006;
- (b) references to a sentence of imprisonment for life include custody for life and detention at Her Majesty's pleasure;
- (c) references to a sentence of imprisonment for public protection are to a sentence under section 225 or 226 of the Criminal Justice Act 2003, including a sentence passed as a result of section 219 or 221 of the Armed Forces Act 2006;

[^{F7}(ca) references to a serious terrorism sentence are to a sentence under section 268A or 282A of the Sentencing Code;]

- (d) references to an extended sentence are to a sentence under section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003 [^{F8}or under section 254, 266 or 279 of the Sentencing Code], including a sentence passed as a result of section 219A, 220, 221A or 222 of the Armed Forces Act 2006;
- (e) references to prison include youth detention accommodation (within the meaning of [^{F9}section 248 of the Sentencing Code].)

(2) In this section “excluded offence” means—

- (a) an offence (whether at common law or under any enactment) specified in Part I of Schedule 1 to this Act; and
- (b) an offence under an enactment specified in Part II of that Schedule; and
- (c) an offence specified in Part III of that Schedule.

[^{F10}(2A) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy, [^{F11}encouragement and assistance] and aiding and abetting outside England and Wales) applies for the purposes of subsection (1)(c)(ii) to (iv) above as if the reference in subsection (3) (b) of that section to any of the following provisions of that Act were a reference to subsection (1)(c)(ii) to (iv).]

(3) No person may be released under this section if—

- (a) he is subject to more than one sentence of imprisonment; and
- (b) at least one of the terms that he has to serve is for an offence mentioned in subsection (1)(b)(i), (ii), (iii) or (iv) [^{F12}or (1)(c)] above.

(4) An order under this section—

- (a) may define a class of persons in any way;
- (b) may relate to one or more specified prisons, or to prisons of a specified class (however defined), or to prisons generally; and
- (c) may make the time at which a person of any specified class is to be released depend on any circumstances whatever.

(5) Where a person who is to be released from prison in pursuance of an order under this section is a person serving a sentence of imprisonment in respect of whom an extended sentence certificate (within the meaning of the ^{M1}Powers of Criminal Courts Act 1973) was issued when the sentence was passed, his release shall be a release on licence under section 60 of the ^{M2}Criminal Justice Act 1967, irrespective of whether

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at the time of his release he could have been released on licence under that section by virtue of subsection (3) thereof.

- (6) Where a person^{F13} ... is released from prison in pursuance of an order under this section, his sentence shall expire on his release.

[^{F14}(6A) Subsection (6) does not apply—

- (a) where the person is within subsection (5), or
 (b) where the sentence is a detention and training order or a sentence under section 211 of the Armed Forces Act 2006.]

^{F15}(7)

^{F15}(7A)

- (8) An order under this section shall be made by statutory instrument.

- (9) No order under this section shall be made unless—

- (a) a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament; or
 (b) the expedited procedure conditions are satisfied.

- (10) The expedited procedure conditions are satisfied if—

- (a) the order does not provide for the release of any persons before one month earlier than they would otherwise be released; and
 (b) it is declared in the order that it appears to the Secretary of State that by reason of urgency it is necessary to make the order without a draft having been so approved.

- (11) Every such order (except such an order of which a draft has been so approved)—

- (a) shall be laid before Parliament; and
 (b) shall cease to have effect at the expiry of a period of 40 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by resolution of each House of Parliament, but without prejudice to anything previously done or to the making of a new order.

- (12) In reckoning for the purposes of subsection (11) above any period of 40 days, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

- (13) An order under this section shall not remain in force after the expiration of 6 months beginning with the date on which it is made, but without prejudice to the power of the Secretary of State to revoke it or to make a further order under this section.

- (14) Section 5 of the^{M3} Imprisonment (Temporary Provisions) Act 1980 (which is superseded by this section) shall cease to have effect.

Textual Amendments

- F1** Words in s. 32(1)(a) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 35](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(17\)](#) (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))

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- F2** Words in s. 32(1)(a) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 7(a)**
- F3** Words in s. 32(1)(a) omitted (20.3.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(2)(a)**; S.I. 2015/778, art. 2(1)(c)
- F4** Words in s. 32(1)(a) omitted (20.3.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(2)(b)**; S.I. 2015/778, art. 2(1)(c)
- F5** S. 32(1)(c) and word 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. 94(2)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F6** S. 32(1A) substituted (20.3.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(3)**; S.I. 2015/778, art. 2(1)(c)
- F7** S. 32(1A)(ca) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 7(b)**
- F8** Words in s. 32(1A)(d) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 70(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F9** Words in s. 32(1A)(e) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 70(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F10** S. 32(2A) 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. 94(4)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F11** Words in s. 32(2A) substituted (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 5 para. 1** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)
- F12** Words in s. 32(3)(b) 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. 94(5)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F13** Words in s. 32(6) omitted (20.3.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(4)**; S.I. 2015/778, art. 2(1)(c)
- F14** S. 32(6A) inserted (20.3.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(5)**; S.I. 2015/778, art. 2(1)(c)
- F15** S. 32(7)(7A) omitted (20.3.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 8(6)**; S.I. 2015/778, art. 2(1)(c); S.I. 2015/778, art. 2(1)(c)

Modifications etc. (not altering text)

- C1** S. 32 excluded (1.9.2001) by 2001 c. 17, s. 42, **Sch. 7 para. 3(1)**; S.I. 2001/2161, art. 2 (with art. 3)
- C2** S. 32(1)(b)(iv) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 8(a)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)
- C3** S. 32(1)(c) 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. 23**
- C4** S. 32(1)(c)(iv) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 8(b)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

Marginal Citations

- M1** 1973 c. 62.
M2 1967 c. 80.
M3 1980 c. 57.

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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. 32(1A)(ca) words inserted by [2021 c. 11 Sch. 13 para. 36](#)