



Criminal Justice Act 1991

1991 CHAPTER 53

PART II

EARLY RELEASE OF PRISONERS

New arrangements for early release

33 Duty to release short-term and long-term prisoners

- (1) As soon as a short-term prisoner has served one-half of his sentence, it shall be the duty of the Secretary of State—
 - (a) to release him unconditionally if that sentence is for a term of less than twelve months; and
 - (b) to release him on licence if that sentence is for a term of twelve months or more.
- (2) As soon as a long-term prisoner has served two-thirds of his sentence, it shall be the duty of the Secretary of State to release him on licence.
- (3) As soon as a short-term or long-term prisoner who—
 - (a) has been released on licence under subsection (1)(b) or (2) above or section 35 or 36(1) below; and
 - (b) has been recalled to prison under section 38(2) or 39(1) below,would (but for his release) have served three-quarters of his sentence, it shall be the duty of the Secretary of State to release him unconditionally.
- (4) Where a prisoner whose sentence is for a term of less than twelve months has been released on licence under section 36(1) below and recalled to prison under section 38(2) below, subsection (3) above shall have effect as if for the reference to three-quarters of his sentence there were substituted a reference to one-half of that sentence.
- (5) In this Part—

Status: This is the original version (as it was originally enacted).

“long-term prisoner” means a person serving a sentence of imprisonment for a term of four years or more;

“short-term prisoner” means a person serving a sentence of imprisonment for a term of less than four years.

34 Duty to release discretionary life prisoners

- (1) A life prisoner is a discretionary life prisoner for the purposes of this Part if—
 - (a) his sentence was imposed for a violent or sexual offence the sentence for which is not fixed by law; and
 - (b) the court by which he was sentenced for that offence ordered that this section should apply to him as soon as he had served a part of his sentence specified in the order.
- (2) A part of a sentence so specified shall be such part as the court considers appropriate taking into account—
 - (a) the seriousness of the offence, or the combination of the offence and other offences associated with it; and
 - (b) the provisions of this section as compared with those of section 33(2) above and section 35(1) below.
- (3) As soon as, in the case of a discretionary life prisoner—
 - (a) he has served the part of his sentence specified in the order (“the relevant part”); and
 - (b) the Board has directed his release under this section,it shall be the duty of the Secretary of State to release him on licence.
- (4) The Board shall not give a direction under subsection (3) above with respect to a discretionary life prisoner 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.
- (5) A discretionary life prisoner may require the Secretary of State to refer his case to the 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; and
 - (c) where he is also serving a sentence of imprisonment for a term, after he has served one-half of that sentence;and in this subsection “previous reference” means a reference under subsection (4) above or section 39(4) below made after the prisoner had served the relevant part of his sentence.
- (6) In determining for the purpose of subsection (3) or (5) above whether a discretionary life prisoner 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 Prison Act 1952 (“the 1952 Act”).
- (7) In this Part “life prisoner” means a person serving one or more sentences of life imprisonment; but—

- (a) a person serving two or more such sentences shall not be treated as a discretionary life prisoner for the purposes of this Part unless the requirements of subsection (1) above are satisfied as respects each of those sentences; and
- (b) subsections (3) and (5) above shall not apply in relation to such a person until after he has served the relevant part of each of those sentences.

35 Power to release long-term and life prisoners

- (1) After a long-term prisoner has served one-half of his sentence, the Secretary of State may, if recommended to do so by the Board, release him on licence.
- (2) If recommended to do so by the Board, the Secretary of State may, after consultation with the Lord Chief Justice together with the trial judge if available, release on licence a life prisoner who is not a discretionary life prisoner.
- (3) The Board shall not make a recommendation under subsection (2) above unless the Secretary of State has referred the particular case, or the class of case to which that case belongs, to the Board for its advice.

36 Power to release prisoners on compassionate grounds

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

37 Duration and conditions of licences

- (1) Subject to subsection (2) below, where a short-term or long-term prisoner is released on licence, the licence shall, subject to any suspension under section 38(2) below or, as the case may be, any revocation under section 39(1) or (2) below, remain in force until the date on which he would (but for his release) have served three-quarters of his sentence.
- (2) Where a prisoner whose sentence is for a term of less than twelve months is released on licence under section 36(1) above, subsection (1) above shall have effect as if for the reference to three-quarters of his sentence there were substituted a reference to one-half of that sentence.
- (3) Where a life prisoner is released on licence, the licence shall, unless previously revoked under section 39(1) or (2) below, remain in force until his death.
- (4) A person subject to a licence shall comply with such conditions (which shall include on his release conditions as to his supervision by a probation officer) 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.
- (5) The Secretary of State shall not include on release, or subsequently insert, a condition in the licence of a long-term or life prisoner, or vary or cancel any such condition, except—

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

- (a) in the case of the inclusion of a condition in the licence of a discretionary life prisoner, in accordance with recommendations of the Board; and
 - (b) in any other case, after consultation with the Board.
- (6) For the purposes of subsection (5) above, the Secretary of State shall be treated as having consulted the Board about a proposal to include, insert, vary or cancel a condition in any case if he has consulted the Board about the implementation of proposals of that description generally or in that class of case.
- (7) 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.