



Criminal Justice Act 1991

1991 CHAPTER 53

PART II

EARLY RELEASE OF PRISONERS

Supplemental

49 Alteration by order of relevant proportions of sentences

- (1) The Secretary of State may by order made by statutory instrument provide—
 - (a) that the references in section 33(5) above to four years shall be construed as references to such other period as may be specified in the order;
 - (b) that any reference in this Part to a particular proportion of a prisoner's sentence shall be construed as a reference to such other proportion of a prisoner's sentence as may be so specified.
- (2) An order under this section may make such transitional provisions as appear to the Secretary of State necessary or expedient in connection with any provision made by the order.
- (3) No order shall be made under this section unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

50 Transfer by order of certain functions to Board

- (1) The Secretary of State, after consultation with the Board, may by order made by statutory instrument provide that, in relation to such class of case as may be specified in the order, the provisions of this Part specified in subsections (2) to (4) below shall have effect subject to the modifications so specified.
- (2) In section 35 above, in subsection (1) for the word "may" there shall be substituted the word "shall"; but nothing in this subsection shall affect the operation of that subsection as it has effect in relation to a long-term prisoner who is liable to removal from the United Kingdom (within the meaning of section 46 above).

Status: This is the original version (as it was originally enacted).

- (3) In section 37 above, in subsection (5)(a) after the words “in the case of” there shall be inserted the words “the licence of a long-term prisoner or”, and subsection (6) shall be omitted.
- (4) In section 39 above, in subsection (1) for the word “may” there shall be substituted the word “shall”, and subsection (2) shall be omitted.
- (5) No order shall be made under this section unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

51 Interpretation of Part II

- (1) In this Part—
 - “the Board” means the Parole Board;
 - “discretionary life prisoner” has the meaning given by section 34 above (as extended by section 43(2) above);
 - “life prisoner” has the meaning given by section 34(7) above (as extended by section 43(2) above);
 - “long-term prisoner” and “short-term prisoner” have the meanings given by section 33(5) above (as extended by sections 43(1) and 45(1) above);
 - “sentence of imprisonment” does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone.
 - “sexual offence” and “violent offence” have the same meanings as in Part I of this Act.
- (2) For the purposes of any reference in this Part, however expressed, to the term of imprisonment to which a person has been sentenced or which, or part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.
- (3) Nothing in this Part shall require the Secretary of State to release a person who is serving—
 - (a) a sentence of imprisonment for a term; and
 - (b) one or more sentences of imprisonment for life,unless and until he is entitled under this Part to be released in respect of each of those sentences.
- (4) Subsections (2) and (3) of section 31 above shall apply for the purposes of this Part as they apply for the purposes of Part I of this Act.