Status: Point in time view as at 25/08/2000. This version of this provision has been superseded.
Changes to legislation: Criminal Justice Act 1991, Section 33 is up to date with all changes known to be in force
on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that
have been made appear in the content and are referenced with annotations. (See end of Document for details)

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 [**F1**this Part]; and

(b) has been recalled to prison under section [**F1**39(1) or (2)] 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 [**F2**on licence].

[**F3**(3A) In the case of a prisoner to whom section 44A below applies, it shall be the duty of the Secretary of State to release him on licence at the end of the extension period (within the meaning of [**F4**section 85 of the Powers of Criminal Courts (Sentencing) Act 2000]).]

F5(4) . . . .

(5) In this Part—

"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.

Textual Amendments

F1   Words in s. 33(3)(a)(b) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 80(1)(a)(b)**; S.I. 1998/2327, **art. 2(1)(y)(2)(y)**.

F2   Words in s. 33(3) substituted (30.9.1998) by 1998 c. 37, **s 104(1)** (with Sch. 9 para. 13); S.I. 1998/2327, **art. 2(1)(w)**.

F3   S. 33(3A) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 80(2)**; S.I. 1998/2327, **art. 2(1)(y)(2)(y)**.

F4   Words in s. 33(3A) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 137**

F5   S. 33(4) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 80(3), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(aa)(y)(2)(y)(3)(t)**.

Modifications etc. (not altering text)

C1   S. 33 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 8(2), 9(2), Sch. 5 paras. 9(1)(a), **10(1)(b)**; S.I. 1997/2200, **art. 2(1)**.
        S. 33 modified (30.9.1998) by 1998 c. 37, s. 120(1), **Sch. 9 para. 12(3)(9)**; S.I. 1998/2327, **art. 2(1)(z)**

C2   S. 33(1)(b) amended (*retrospectively*) by 1984 c. 47, **Sch. para. 2** as modified (*retrospectively*) by 1997 c. 43, s. 42, **Sch. 2 para. 2(1)(2)**; S.I. 1997/2200, **art. 2(1)**.
        S. 33(1)(b) amended (1.10.1997) by 1984 c. 47, **Sch. para. 2** as modified (1.10.1997) by 1997 c. 43, s. 42, **Sch. 2 para. 3(1)(2)**; S.I. 1997/2200, **art. 2(1)**.

C3   S. 33(2) amended (*retrospectively*) by 1984 c. 47, **Sch. para. 2** as modified (retrospectively) by 1997 c. 43, s. 42, **Sch. 2 para. 2(1)(2)**; S.I. 1997/2200, **art. 2(1)**.
        S. 33(2) amended (1.10.1997) by 1984 c. 47, **Sch. para. 2** as modified (1.10.1997) by 1997 c. 43, s. 42, **Sch. 2 para. 3(1)(2)**; S.I. 1997/2200, **art. 2(1)**.

C4   S. 33(3) modified (25.8.2000) by 2000 c. 6, **ss. 86(1)**, 186(1)

Commencement Information

I1   Pt. II (ss. 32-51) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, **art. 2(2)**, **Sch. 2**.

Status:
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Changes to legislation:
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