



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART II

#### EARLY RELEASE OF PRISONERS

##### *New arrangements for early release*

#### **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

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*Status: This is the original version (as it was originally enacted).*

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- (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.