



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART II

#### EARLY RELEASE OF PRISONERS

##### *Special cases*

#### 43 Young offenders.

(1) Subject to subsections (4) and (5) below, this Part applies to persons serving sentences of detention in a young offender institution, or determinate sentences of detention under [<sup>F1</sup>section 91 of the Powers of Criminal Courts (Sentencing) Act 2000], as it applies to persons serving equivalent sentences of imprisonment.

<sup>F2</sup>(2) .....

(3) References in this Part to prisoners <sup>F2</sup> . . . , or to prison or imprisonment, shall be construed in accordance with [<sup>F3</sup>subsection (1)]. . . above.

(4) In relation to a short-term prisoner under the age of 18 years to whom subsection (1) of section 33 above applies, that subsection shall have effect as if it required the Secretary of State—

- (a) to release him unconditionally if his sentence is for a term of twelve months or less; and
- (b) to release him on licence if that sentence is for a term of more than twelve months.

(5) In relation to a person under the age of 22 years who is released on licence under this Part, [<sup>F3</sup>section 37(4A)] above shall have effect as if the reference to supervision by [<sup>F4</sup>an officer of a local probation board] included a reference to supervision by a social worker of a local authority <sup>F5</sup> . . . .

*Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 1991, Section 43 is up to date with all changes known to be in force on or before 27 December 2023. 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)*

### Textual Amendments

- F1** Words in s. 43(1) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 140**
- F2** S. 43(2) and words in s. 43(3) repealed (1.10.1997) and the repeal of the words "and 2" in s. 43(3) is expressed to be brought into force (1.10.1997) as regards the words "or 2" by 1997 c. 43, s. 56(2), **Sch. 6** (subject to transitional provisions and savings in s. 56(1), **Sch. 5 para. 1**); S.I. 1997/2200, **art. 2(1)(p)(3)(f)**.
- F3** Words in s. 43(3)(5) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 87(1)(2)**; S.I. 1998/2327, **art. 2(1)(y)(2)(bb)**.
- F4** Words in s. 43(5) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F5** Words in s. 43(5) repealed (1.4.2005 for E. otherwise prosp.) by Children Act 2004 (c. 31), ss. 64, 67 {Sch. 5 Pt. 4}; S.I. 2005/394, **art. 2(2)(g)**

### Modifications etc. (not altering text)

- C1** S. 43 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), **Sch. 1 Pt. II paras. 8, 9(4)**, **Sch. 5 paras. 9(2)(a)(b), 10(2)(b)**; S.I. 1997/2200, **art. 2(1)**.  
 Ss. 43-46 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), **Sch. 1 Pt. II paras. 8(4), 9(2)(a)(4)**, **Sch. 5 paras. 9(1)(b), 10(1)(c)(2)(a)**; S.I. 1997/2200, **art. 2(1)**.  
 Ss. 35-46 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), **Sch. 1 Pt. II para. 9(2)**, **Sch. 5 para. 10(1)(b)**; S.I. 1997/2200, **art. 2(1)**  
 Ss. 41-46 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), **Sch. 1 Pt. II para. 8(2)**, **Sch. 5 para. 9(1)(a)**; S.I. 1997/2200, **art. 2(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:**

Point in time view as at 01/04/2005. This version of this provision has been superseded.

**Changes to legislation:**

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Changes that have been made appear in the content and are referenced with annotations.