



Criminal Justice Act 1991

1991 CHAPTER 53

PART II

EARLY RELEASE OF PRISONERS

Special cases

^{F1}45 **Fine defaulters and contemnors.**

- (1) Subject to subsection (2) below, this Part (^{F2}except sections 33A, 34A [^{F3} and 35]] above) applies to persons committed to prison or to be detained under [^{F3}section 108 of the Powers of Criminal Courts (Sentencing) Act 2000]—
- (a) in default of payment of a sum adjudged to be paid by a conviction; or
 - (b) for contempt of court or any kindred offence,
- as it applies to persons serving equivalent sentences of imprisonment; and references in this Part to short-term or long-term prisoners, or to prison or imprisonment, shall be construed accordingly.
- (2) In relation to persons committed as mentioned in subsection (1) above, the provisions specified in subsections (3) and (4) below shall have effect subject to the modifications so specified.
- (3) In section 33 above, for [^{F4}subsections (1) to (3)] there shall be substituted the following subsections—
- “(1) As soon as a person committed as mentioned in section 45(1) below has served the appropriate proportion of his term, that is to say—
 - (a) one-half, in the case of a person committed for a term of less than twelve months;
 - (b) two-thirds, in the case of a person committed for a term of twelve months or more,it shall be the duty of the Secretary of State to release him unconditionally.
 - (2) As soon as a person so committed who—

Status: Point in time view as at 25/08/2000. This version of this provision has been superseded.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 45 is up to date with all changes known to be in force on or before 24 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)

(a) has been released on licence under section 36(1) below; and
(b) has been recalled under section [^{F4}section 39(1) or (2)] below,
would (but for his release) have served the appropriate proportion of his term,
it shall be the duty of the Secretary of State to release him unconditionally.”

(4) In section 37 above, for subsections (1) to (3) there shall be substituted the following subsection—

“(1) Where a person committed as mentioned in section 45(1) below is released on licence under section 36(1) above, the licence shall, subject to—

(a) ^{F5} . . .

(b) any revocation under section [^{F6}section 39(1) or (2)]below,
continue in force until the date on which he would (but for his release)
have served the appropriate proportion of his term; and in this subsection
“appropriate proportion” has the meaning given by section 33(1) above.”

Textual Amendments

- F1** 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. 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)**.
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)**.
- F2** Words in s. 45(1) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 88(1)**; S.I. 1998/2327, **art. 2(1)(y)(2)(cc)**.
- F3** Words in s. 45(1) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 143**
- F4** Words in s. 45(3) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 88(2)(a)(b)**; S.I. 1998/2327, **art. 2(1)(y)(2)(cc)**.
- F5** Words in s. 45(4) repealed (1.1.1999) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 88(3)(a), **Sch. 10** (with **Sch. 9 para. 12**); S.I. 1998/3263, **art. 2(b)(d)**.
- F6** Words in s. 45(4) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 88(3)(b)**; S.I. 1998/2327, **art. 2(1)(y)(2)(cc)**.

Modifications etc. (not altering text)

- C1** S. 45 modified (19.9.1998) by 1998 S.I. 1998/2327, **art. 5(3)(e)**.
- C2** S. 45(1) amended (30.9.1998) by 1998 c. 37, s. 120(1), **Sch. 9 para. 12(8)(9)**; S.I. 1998/2327, **art. 2(1)(z)**.

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 25/08/2000. This version of this provision has been superseded.

Changes to legislation:

Criminal Justice Act 1991, Section 45 is up to date with all changes known to be in force on or before 24 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.