

*These notes refer to the Criminal Justice Act 2003 (c.44)
which received Royal Assent on 20th November 2003*

CRIMINAL JUSTICE ACT 2003

EXPLANATORY NOTES

SCHEDULES

Schedule 22 : Mandatory Life Sentences: Transitional Cases

Paragraphs 12 to 18

851. *Paragraph 12* requires a court reviewing an existing minimum term to give reasons for the order it makes and if the order specifies a minimum term that is shorter than that imposed by the Secretary of State to explain its reasons for doing so. Where a court determines the minimum term in the case of a convicted prisoner who has not been given a minimum term by the Home Secretary, paragraph 13 brings the duty to give reasons into line with that under paragraph 12.
852. *Paragraph 14* extends rights of appeal to the Court of Appeal and the House of Lords, if appropriate, to prisoners who have either had their minimum term reviewed or determined by the High Court under these transitional provisions. *Paragraph 15* extends section 36 of the Criminal Justice Act 1988 to these transitional arrangements and provides for a means by which the Attorney General can challenge a minimum term which he considers unduly lenient.
853. *Paragraph 16* ensures that the early release provisions apply consistently to both a minimum term arising from a review of an existing minimum term by the High Court and those minimum terms fixed by the Home Secretary that remain effective if no application is made. *Paragraph 17* ensures that transferred prisoners may be dealt with under these transitional arrangements if necessary.