



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

[^{F1} RELEASE, LICENCES^{F1}, SUPERVISION] AND RECALL]

Consecutive or concurrent terms

264 Consecutive terms

(1) This section applies where—

- (a) a person (“the offender”) has been sentenced to two or more terms of imprisonment which are to be served consecutively on each other, and
- (b) the sentences were passed on the same occasion or, where they were passed on different occasions, the person has not been released under this Chapter at any time during the period beginning with the first and ending with the last of those occasions,^{F1}...

^{F1}(c)

[^{F2}(2A) Subsection (2B) applies if each of the terms of imprisonment is subject to initial automatic release.

(2B) Nothing in this Chapter requires the Secretary of State to release the offender until the offender has served a period equal to the aggregate of the length of the minimum custodial periods in each of the terms.

(2C) Subsections (2D) and (2E) apply if at least one of the terms of imprisonment is subject to initial Parole Board referral.

Changes to legislation: Criminal Justice Act 2003, Section 264 is up to date with all changes known to be in force on or before 22 April 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) View outstanding changes

(2D) Nothing in this Chapter requires the Secretary of State to refer the offender’s case to the Board until the offender has served a period equal to the aggregate length of the minimum custodial periods in each of the terms.

(2E) Nothing in this Chapter requires the Secretary of State to release the offender until—
(a) the Board has directed the release of the offender, or
(b) the offender has served a period equal to the aggregate length of—
(i) the minimum custodial periods in each of the terms (if any) that is subject to initial automatic release, and
(ii) the maximum custodial periods in each of the terms that is subject to initial Parole Board referral.

(2F) For the purposes of subsections (2A) to (2E)—
(a) a term of imprisonment is “subject to initial automatic release” if it is a sentence in respect of which—
(i) section 243A(1), 244(1), 244ZA(1), 246A(2) or 247 applies to the offender, or
(ii) section 247A applies, but subsections (3) to (5) of that section do not apply, to the offender;
(b) a term of imprisonment is “subject to initial Parole Board referral” if it is a sentence in respect of which—
(i) section 244ZC, 244A, 246A(3) to (7) or 247A(3) to (5) applies to the offender, or
(ii) a notice under section 244ZB(4) is in force.]

[^{F3}(3B) The offender's release under this Chapter is to be unconditional if—
(a) the aggregate length of the terms of imprisonment is less than 12 months, and
(b) section 243A so requires in respect of each of the sentences,
but in any other case is to be on licence.

(3C) If the offender is released on licence under this Chapter—
(a) the offender is to be on licence, on and after the release, until the offender would, but for the release, have served a term equal in length to the aggregate length of the terms of imprisonment (but see section 264B);
(b) the offender is to be subject to supervision requirements under section 256AA if (and only if)—
(i) section 256AA so requires in respect of one or more of the sentences, and
(ii) the aggregate length of the terms of imprisonment is less than 2 years.

(3D) If the offender is subject to supervision requirements under section 256AA, the supervision period for the purposes of that section begins on the expiry of the period during which the offender is on licence by virtue of subsection (3C)(a).

(3E) When the offender is released under this Chapter (whether unconditionally or on licence), the offender is to be subject to supervision requirements under section 256B if that section so requires in respect of one or more of the sentences.]

^{F4}(4)

^{F4}(5)

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[^{F5}(6) In this section “[^{F6}minimum] custodial period”[^{F7}, except if subsection (6A) applies,] means—

- (a) in relation to an extended sentence imposed under section 226A or 226B [^{F8}or under section 254, 266 or 279 of the Sentencing Code], two-thirds of the appropriate custodial term determined by the court under that section,
- (b) in relation to an extended sentence imposed under section 227 or 228, one-half of the appropriate custodial term determined by the court under that section,
- (c) in relation to a sentence imposed under section 236A [^{F9}or under section 265 or 278 of the Sentencing Code][^{F10}before the day on which section 131 of the Police, Crime, Sentencing and Courts Act 2022 came into force], one-half of the appropriate custodial term determined by the court under that section, and
- [^{F11}(ca) in relation to a sentence imposed under section 265 or 278 of the Sentencing Code on or after the day on which section 131 of the Police, Crime, Sentencing and Courts Act 2022 came into force, two-thirds of the appropriate custodial term determined by the court under that section,]
- [^{F12}(cb) in relation to a sentence in respect of which section 244ZA applies to the offender, two-thirds of the sentence,]
- (d) in relation to any other sentence, one-half of the sentence.]

[^{F13}(6A) In this section “[^{F14}minimum] custodial period”, in the case of a sentence imposed on a person to whom section 247A applies, means—

- [^{F15}(za) in relation to a sentence within subsection (2A) of that section, the whole of the “appropriate custodial term” within the meaning of that section (see subsection (8) of that section),]
- (a) in relation to an extended sentence [^{F16}(not being one to which paragraph (za) applies)] imposed under section 226A, 226B, 227 or [^{F17}228 of this Act or section 254, 266 or 279 of the Sentencing Code,] or a sentence imposed under section [^{F18}236A of this Act or section [^{F19}252A, 265] or 278 of that Code,] two-thirds of the appropriate custodial term determined by the court under that section;
- (b) in relation to any other sentence, two-thirds of the sentence.]

[^{F20}(6B) In this section “maximum custodial period” means—

- (a) in relation to a sentence imposed under section 226A, 226B, 227, 228 or 236A of this Act or section 252A, 254, 265, 266, 278 or 279 of the Sentencing Code, the “appropriate custodial term” determined by the court under that section;
- (b) in relation to any other sentence, the term of the sentence.]

(7) This section applies to a determinate sentence of detention under section 91 [^{F21}or 96] of [^{F22}the PCC(S)A 2000, under section 250, [^{F23}252A,] 254, 262, 265 [^{F24}, 266 or 268A] of the Sentencing Code] or under section [^{F25}226A, 226B,][^{F26}227][^{F27}, 228 or 236A] of this Act as it applies to a term of imprisonment ^{F28}

[^{F29}(8) This section is subject to paragraphs 21, 22, 31, 32 and 33 of Schedule 20B (transitional cases).]

Textual Amendments

- F1** S. 264(1)(c) and preceding word omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 32\(2\)](#); S.I. 2012/2906, art. 2(h)

Changes to legislation: Criminal Justice Act 2003, Section 264 is up to date with all changes known to be in force on or before 22 April 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) View outstanding changes

- F2** S. 264(2A)-(2F) substituted for s. 264(2) (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 144(10)(a), 208(5)(p)**
- F3** S. 264(3B)-(3E) substituted for s. 264(3)(3A) (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 5(2), 22(1)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(e)
- F4** S. 264(4)(5) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 14(d)**; S.I. 2012/2906, art. 2(l)
- F5** S. 264(6) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 23(2)**; S.I. 2015/778, art. 3, Sch. 1 para. 72
- F6** Word in s. 264(6) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 144(10)(b), 208(5)(p)**
- F7** Words in s. 264(6) inserted (26.2.2020) by Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), **ss. 7(7)(a), 10(4)**
- F8** Words in s. 264(6)(a) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 236(2)(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F9** Words in s. 264(6)(c) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 236(2)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F10** Words in s. 264(6)(c) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 131(3)(a), 208(5)(m)**
- F11** S. 264(6)(ca) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 131(3)(b), 208(5)(m)**
- F12** S. 264(6)(cb) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 130(6), 208(5)(m)**
- F13** S. 264(6A) inserted (26.2.2020) by Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), **ss. 7(7)(b), 10(4)**
- F14** Word in s. 264(6A) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 144(10)(b), 208(5)(p)**
- F15** S. 264(6A)(za) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 45(4)(a)**
- F16** Words in s. 264(6A)(a) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 45(4)(b)**
- F17** Words in s. 264(6A)(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 236(3)(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F18** Words in s. 264(6A)(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 236(3)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F19** Words in s. 264(6A)(a) substituted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 21(8)(a)**
- F20** S. 264(6B) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 144(10)(c), 208(5)(p)**
- F21** Words in s. 264(7) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 117(8)(a), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F22** Words in s. 264(7) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 236(4)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F23** Word in s. 264(7) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 21(8)(b)**
- F24** Words in s. 264(7) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 9(10)**
- F25** Words in s. 264(7) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 12(3)**; S.I. 2012/2906, art. 2(r)
- F26** Words in s. 264(7) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 117(8)(b), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F27** Words in s. 264(7) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 23(3)**; S.I. 2015/778, art. 3, Sch. 1 para. 72

Changes to legislation: *Criminal Justice Act 2003, Section 264 is up to date with all changes known to be in force on or before 22 April 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) View outstanding changes*

F28 Words in s. 264(7) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 14 para. 14(f)**; S.I. 2012/2906, art. 2(l)

F29 S. 264(8) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 17 para. 8**; S.I. 2012/2906, art. 2(o)

Modifications etc. (not altering text)

C1 S. 264(6)(d) modified (1.4.2020) by [The Release of Prisoners \(Alteration of Relevant Proportion of Sentence\) Order 2020 \(S.I. 2020/158\)](#), arts. 1, 4 (with art. 5)

Commencement Information

I1 S. 264 partly in force; s. 264 not in force at Royal Assent, see s. 336(3); s. 264 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), **art. 2**, **Sch.**; s. 264(1)-(3)(6)(7) in force at 4.4.2005 by [S.I. 2005/950](#), **art. 2(1)**, **Sch. 1 para. 19** (subject to art. 2(2), **Sch. 2**)

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Changes and effects yet to be applied to :

- s. 264(1) word repealed by [2004 c. 28 Sch. 11](#)
- specified provision(s) amendment to earlier commencing [SI 2012/2574](#), Sch. by [S.I. 2012/2761 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of [2013 c. 22](#), Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of [2013 c. 22](#), Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by [2008 c. 4](#), s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by [2008 c. 4](#), s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of [2012 c. 10](#), s. 118(4)(b); S.I. 2012/2906, art. 2(d))

- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)