

## SCHEDULES

### SCHEDULE 6

Section 31

#### INTERMITTENT CUSTODY

- 1 The Criminal Justice Act 2003 (c. 44) is amended as follows.
- 2 In section 244 (duty to release prisoners), in subsection (3)—
  - (a) in paragraph (c), for the words from “which is not” to “section 183(3)” substitute “which for the purposes of section 183 (as read with section 263(2) or 264A(2) in the case of concurrent or consecutive sentences) is not a licence period”;
  - (b) in paragraph (d), after “consecutive sentences” insert “none of which falls within paragraph (c)”.
- 3 In section 246 (power to release prisoners on licence before required to do so), in the definition of “the required custodial days” in subsection (6)—
  - (a) in paragraph (b), after “custody” insert “which are consecutive”;
  - (b) at the end of that paragraph insert “, or
  - (c) in the case of two or more sentences of intermittent custody which are wholly or partly concurrent, the aggregate of the numbers so specified less the number of days that are to be served concurrently”.
- 4 In section 249 (duration of licence), at the end of subsection (3) insert “and subsection (2) has effect subject to section 264A(3) (consecutive terms: intermittent custody)”.
- 5 In section 250 (licence conditions), in subsection (7), for “and section 264(3) and (4) (consecutive terms)” substitute “, section 264(3) and (4) (consecutive terms) and section 264A(3) (consecutive terms: intermittent custody)”.
- 6 In section 264 (consecutive terms), in subsection (1), after paragraph (b) insert “, and
- (c) none of those terms is a term to which an intermittent custody order relates.”
- 7 After that section insert—

#### “Consecutive terms: intermittent custody

- (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,
  - (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, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) each of the terms is a term to which an intermittent custody order relates.
- (2) The offender is not to be treated as having served all the required custodial days in relation to any of the terms of imprisonment until he has served the aggregate of all the required custodial days in relation to each of them.
- (3) After the number of days served by the offender in prison is equal to the aggregate of the required custodial days in relation to each of the terms of imprisonment, the offender is to be on licence until the relevant time and subject to such conditions as are required by this Chapter in respect of any of the terms of imprisonment, and none of the terms is to be regarded for any purpose as continuing after the relevant time.
- (4) In subsection (3) “the relevant time” means the time when the offender would, but for his release, have served a term equal in length to the aggregate of—
  - (a) all the required custodial days in relation to the terms of imprisonment, and
  - (b) the longest of the total licence periods in relation to those terms.
- (5) In this section—
  - “total licence period”, in relation to a term of imprisonment to which an intermittent custody order relates, means a period equal in length to the aggregate of all the licence periods as defined by section 183 in relation to that term;
  - “the required custodial days”, in relation to such a term, means the number of days specified under that section.”