



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 1

CRIMINAL JUSTICE

Release and recall of prisoners

14 Definition of “requisite custodial period”

(1) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release etc of fixed-term prisoners) is amended as follows.

(2) In section 268 (interpretation of Chapter), after subsection (1) insert—

“(1A) In this Chapter, “the requisite custodial period” means—

- (a) in relation to a person serving an extended sentence imposed under section 226A or 226B, the requisite custodial period for the purposes of section 246A;
- (b) in relation to a person serving an extended sentence imposed under section 227 or 228, the requisite custodial period for the purposes of section 247;
- (c) in relation to a person serving a sentence imposed under section 236A, the requisite custodial period for the purposes of section 244A;
- (d) in relation to any other fixed-term prisoner, the requisite custodial period for the purposes of section 243A or section 244 (as appropriate).”

(3) In section 247 (release on licence of prisoner serving extended sentence under section 227 or 228)—

- (a) in subsection (2)(a), for “one-half of the appropriate custodial term” substitute “the requisite custodial period”, and
- (b) for subsection (7) substitute—

“(7) In this section—

Status: This is the original version (as it was originally enacted).

“the appropriate custodial term” means the period determined by the court as the appropriate custodial term under section 227 or 228;

“the requisite custodial period” means—

- (a) in relation to a person serving one sentence, one-half of the appropriate custodial term, and
- (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2).”

(4) In section 260 (early removal of prisoners liable to removal from United Kingdom), omit subsection (7).

(5) In section 261 (re-entry into United Kingdom of offender removed from prison early)

- (a) in subsection (5), omit paragraph (a),
- (b) in subsection (5)(b)—
 - (i) omit “in any other case,” and
 - (ii) for “or 246A” substitute “, 246A or 247”, and
- (c) in subsection (6), omit the definition of “requisite custodial period”.

(6) In Schedule 20A (application of Chapter 6 of Part 12 to pre-4 April 2005 cases)—

- (a) omit paragraph 8(2) (modification of section 260), and
- (b) after paragraph 8 insert—

“8A Section 268(1A) (definition of “the requisite custodial period”) has effect as if it provided that, in relation to a person serving an extended sentence under section 85 of the Sentencing Act, the requisite custodial period means one-half of the custodial term determined under that section (subject to sections 263 and 264).”

(7) The amendments made by this section apply in relation to a person sentenced before the day on which they come into force as well as in relation to a person sentenced on or after that day.