



# Terrorist Offenders (Restriction of Early Release) Act 2020

## 2020 CHAPTER 3

### *Consequential and transitional provision*

#### **6 Consequential amendments relating to transitional cases: England and Wales**

- (1) Schedule 20B to the Criminal Justice Act 2003 (modifications of release provisions in certain transitional cases) is amended as follows.
- (2) In paragraph 5 (duty to release on licence at two-thirds of sentence)—
  - (a) in sub-paragraph (1), after “paragraph 4 applies” insert “ (but to whom section 247A does not apply) ”;
  - (b) after sub-paragraph (3) insert—
    - “(4) Where section 247A applies to a person—
      - (a) to whom paragraph 4 also applies, and
      - (b) who is serving a section 85 extended sentence,it does so with the modifications set out in sub-paragraphs (5) and (6).
  - (5) Section 247A(7) applies to the person (despite subsection (6) of that section).
  - (6) References in section 247A to—
    - (a) the “appropriate custodial term” are to be read as references to the custodial term;
    - (b) the “requisite custodial period” are to be read as references to two-thirds of the custodial term.”
- (3) In paragraph 6(1) (duty to release on direction of Parole Board) after “paragraph 4 applies” insert “ (but to whom section 247A does not apply) ”.
- (4) In paragraph 15(2) (modification of section 247 for certain extended sentence prisoners under section 227 or 228) for “Section 247 (release of prisoner on licence)

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*Changes to legislation: There are currently no known outstanding effects for the Terrorist Offenders (Restriction of Early Release) Act 2020, Section 6. (See end of Document for details)*

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applies to P” substitute “ If section 247 (release of prisoner on licence) applies to P, it applies ”.

- (5) In paragraph 17 (licence to remain in force for three-quarters of sentence)—
- (a) in sub-paragraph (1), after “244” insert “, 247A ”;
  - (b) after sub-paragraph (1) insert—
    - “(1A) But if section 247A would (disregarding this sub-paragraph) require the release on licence of a person to whom paragraph 16 applies at any time after the end of the period referred to in sub-paragraph (1)—
    - (a) that requirement does not apply, and
    - (b) it is instead the duty of the Secretary of State to release the person unconditionally.”;
  - (c) in sub-paragraph (3), for “(1) and (2)” substitute “ (1) to (2) ”.
- (6) In paragraph 19 (period for which licence to remain in force for section 85 extended sentence prisoners)—
- (a) in sub-paragraph (2), for the words from “the period found” to the end substitute “ the relevant period ”;
  - (b) after sub-paragraph (4) insert—
    - “(5) In sub-paragraph (2), “the relevant period”—
    - (a) in relation to a person released on licence under section 247A at any time after the end of the period of three-quarters of the custodial term, means the period found by adding—
      - (i) the proportion of the custodial term served before release, and
      - (ii) the extension period;
    - (b) in relation to any other case, means the period found by adding—
      - (i) three-quarters of the custodial term, and
      - (ii) the extension period.”

**Changes to legislation:**

There are currently no known outstanding effects for the Terrorist Offenders (Restriction of Early Release) Act 2020, Section 6.