



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 7

SENTENCING AND RELEASE

CHAPTER 1

CUSTODIAL SENTENCES

Release on licence

136 Release at direction of Parole Board after recall: fixed-term prisoners

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 255B (automatic release), after subsection (4) insert—

“(4A) The Board must not give a direction for P’s release on a reference under subsection (4) unless the Board is satisfied that it is not necessary for the protection of the public that P should remain in prison until the end of the period mentioned in subsection (1)(b).”
- (3) In section 255C (fixed-term prisoners not suitable for automatic release), after subsection (4) insert—

“(4A) The Board must not give a direction for P’s release on a reference under subsection (4) unless the Board is satisfied that it is not necessary for the protection of the public that P should remain in prison.”
- (4) Omit section 256 (power of Board to fix date for future release).
- (5) In section 256A (further review)—

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 136. (See end of Document for details)

- (a) for subsection (1) substitute—
- “(1) This section applies to a person if—
- (a) there has been a previous reference of the person’s case to the Board under section 255C(4) or this section, and
 - (b) the person has not been released.
- (1A) The Secretary of State must refer the person’s case back to the Board not later than the first anniversary of the most recent determination by the Board not to release the person (the “review date”).
- (1B) Subsection (1A) does not apply where the review date is 13 months or less before the date on which the person is required to be released by the Secretary of State.”;
- (b) in subsection (2), for “that anniversary” substitute “the review date”;
- (c) in subsection (3), for “a person’s” substitute “the person’s”;
- (d) for subsections (4) and (5) substitute—
- “(4) The Board must not give a direction for a person’s release on a reference under subsection (1A) or (2) unless the Board is satisfied that it is not necessary for the protection of the public that the person should remain in prison.
- (5) Where on a reference under subsection (1A) or (2) the Board directs a person’s release on licence under this Chapter, the Secretary of State must give effect to the direction.”
- (6) After section 256A insert—

“256AZA Release after recall where further sentence being served

- (1) This section applies where a person (“the offender”) is serving two or more terms of imprisonment.
- (2) Nothing in sections 255A to 256A requires the Secretary of State to release the offender in respect of any of the terms unless and until the Secretary of State is required to release the offender in respect of each of the others.
- (3) Nothing in sections 255A to 256A requires the Secretary of State to refer the offender’s case to the Board in respect of any of the terms unless and until the Secretary of State is required either—
 - (a) to refer the offender’s case to the Board, or
 - (b) to release the offender,
in respect of each of the others.
- (4) If the offender is released on licence under section 255B, 255C or 256A, the offender is to be on licence—
 - (a) until the last date on which the offender is required to be on licence in respect of any of the terms, and
 - (b) subject to such conditions as are required by this Chapter in respect of any of the sentences.
- (5) This section applies to a determinate sentence of detention under any of the following provisions as it applies to a term of imprisonment—

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- (a) section 91 or 96 of the PCC(S)A 2000;
 - (b) section 250, 252A, 254, 262, 265, 266 or 268A of the Sentencing Code;
 - (c) section 226A, 226B, 227, 228 or 236A of this Act.”
- (7) In Schedule 20A (application of Chapter 6 of Part 12 of the 2003 Act to pre-4 April 2005 cases), omit paragraph 6(5) (certain determinations to be treated as made under section 256(1)).

Commencement Information

- I1** S. 136 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 136\(1\)-\(6\)](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(o\)](#)
- I3** [S. 136\(7\)](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(p\)](#)

Changes to legislation:

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