



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 7

#### SENTENCING AND RELEASE

### CHAPTER 1

#### CUSTODIAL SENTENCES

#### *Minor amendments*

#### **145 Application of release provisions to repatriated prisoners**

(1) In the Schedule to the Repatriation of Prisoners Act 1984, in paragraph 2 (application of early release provisions) as it applies in relation to prisoners repatriated to England and Wales—

- (a) omit sub-paragraphs (3) and (3A);
- (b) for sub-paragraphs (3B) to (3F) (inserted by the Counter-Terrorism and Sentencing Act 2021) substitute—

“(3ZA) The Secretary of State may specify in the warrant that the prisoner is to be treated for the purposes of the enactments relating to release on licence as if the sentence to be served by the prisoner was imposed in respect of—

- (a) a particular offence under the law of England and Wales,
- (b) such an offence carried out in a certain manner or in certain circumstances, or
- (c) such an offence in relation to which certain findings were made by the court before which the prisoner was convicted or sentenced for the offence;

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*Changes to legislation:* There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 145. (See end of Document for details)

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and if that is done those enactments have effect accordingly.

- (3ZB) An offence may be specified under sub-paragraph (3ZA) only if it corresponds to the offence in respect of which the prisoner is required to be detained in the country or territory from which the prisoner is transferred (“the overseas offence”).
- (3ZC) A specification under sub-paragraph (3ZA)(b) may be made only if, in the opinion of the Secretary of State, findings made by the court before which the prisoner was convicted or sentenced for the overseas offence show that the overseas offence was committed in the manner or circumstances to be specified (or in a corresponding manner or corresponding circumstances).
- (3ZD) A finding may be specified under sub-paragraph (3ZA)(c) only if, in the opinion of the Secretary of State, findings made by the court before which the prisoner was convicted or sentenced for the overseas offence show that the finding to be specified could properly have been made by a court in England and Wales dealing with the prisoner.
- (3ZE) Sub-paragraph (3ZA) does not result in the enactments relating to release on licence applying in a way in which they could not apply in relation to a sentence imposed in respect of the offence specified under that sub-paragraph—
- (a) that was committed at the same time as the overseas offence was committed, or
  - (b) in respect of which a conviction was made, or sentence passed, at the same time as occurred in respect of the overseas offence.
- (3ZF) The Secretary of State may amend a warrant (whether issued before or after sub-paragraph (3ZA) comes into force and whether or not the transfer it authorised has taken place) so as to specify the matters there referred to.”;
- (c) in sub-paragraph (4), in the definition of “the enactments relating to release on licence”, for “and Chapter 6 of Part 12 of the Criminal Justice Act 2003” substitute “, Chapter 6 of Part 12 of the Criminal Justice Act 2003 and section 28 of the Offender Management Act 2007”.
- (2) The repeal by subsection (1)(b) of sub-paragraphs (3B) to (3F) of the amended paragraph does not affect the continued operation of the enactments relating to release on licence (within the meaning of that paragraph as amended by subsection (1)) in relation to a warrant issued or amended in accordance with those sub-paragraphs before their repeal.
- (3) In Schedule 26 to the Criminal Justice and Immigration Act 2008, the following provisions (which contain superseded amendments of or in connection with the paragraph amended by subsection (1)) are repealed—
- (a) paragraph 19(4) and (5), and
  - (b) paragraph 33(2) and (3).

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 145. (See end of Document for details)

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### Commencement Information

**II** S. 145 in force at 28.6.2022, see **s. 208(5)(p)**

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 145.