



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 1

CRIMINAL JUSTICE

Release and recall of prisoners

7 Electronic monitoring following release on licence etc

- (1) Part 3 of the Criminal Justice and Court Services Act 2000 (dealing with offenders) is amended as follows.
- (2) In section 62 (release on licence etc: conditions as to monitoring)—
 - (a) for subsection (2) substitute—

“(2) The conditions may include electronic monitoring conditions.

(2A) An electronic monitoring condition imposed under this section must include provision for making a person responsible for the monitoring.

(2B) A person may not be made responsible for the monitoring unless the person is of a description specified in an order made by the Secretary of State.”, and
 - (b) after subsection (5) insert—

“(5A) In this section “electronic monitoring condition” means a condition requiring the person to submit to either or both of the following—

 - (a) electronic monitoring of the person's compliance with another condition of release, and
 - (b) electronic monitoring of the person's whereabouts (other than for the purpose of monitoring compliance with another condition of release).”
- (3) After section 62 insert—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Release and recall of prisoners. (See end of Document for details)

“62A Release on licence etc: compulsory electronic monitoring conditions

- (1) The Secretary of State may by order provide that the power under section 62 to impose an electronic monitoring condition must be exercised.
- (2) An order under this section may—
 - (a) require an electronic monitoring condition to be included for so long as the person's release is required to be, or may be, subject to conditions or for a shorter period;
 - (b) make provision generally or in relation to a case described in the order.
- (3) An order under this section may, in particular—
 - (a) make provision in relation to cases in which compliance with a condition imposed on a person's release is monitored by a person specified or described in the order;
 - (b) make provision in relation to persons selected on the basis of criteria specified in the order or on a sampling basis;
 - (c) make provision by reference to whether a person specified in the order is satisfied of a matter.
- (4) An order under this section may not make provision about a case in which the sentence imposed on the person is—
 - (a) a detention and training order,
 - (b) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of offenders under 18 convicted of certain offences),
 - (c) a sentence of detention under section 209 of the Armed Forces Act 2006 (detention of offenders under 18 convicted of certain offences), or
 - (d) an order under section 211 of that Act.
- (5) In this section, “electronic monitoring condition” has the same meaning as in section 62.

62B Data from electronic monitoring: code of practice

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of monitoring persons under electronic monitoring conditions imposed under section 62.
- (2) A failure to observe a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.”
- (4) Schedule 2 to this Act contains consequential provision.
- (5) The amendments made by this section and Schedule 2 apply in relation to a person who is released from prison on or after the day on which they come into force.

Commencement Information

II S. 7 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 7

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Release and recall of prisoners. (See end of Document for details)

PROSPECTIVE

F18 Recall adjudicators

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Textual Amendments

F1 Ss. 8-10 omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 135\(a\)](#), [208\(5\)\(n\)](#)

PROSPECTIVE

F19

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Textual Amendments

F1 Ss. 8-10 omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 135\(a\)](#), [208\(5\)\(n\)](#)

PROSPECTIVE

F110

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Textual Amendments

F1 Ss. 8-10 omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 135\(a\)](#), [208\(5\)\(n\)](#)

11 Initial release and release after recall: life sentences

F2(1)

(2) In section 32 of the Crime (Sentences) Act 1997 (recall of life prisoners while on licence), after subsection (5) insert—

“(5A) The Board must not give a direction unless satisfied that it is no longer necessary for the protection of the public that the life prisoner should remain in prison.”

(3) In section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for release on licence of certain prisoners), in subsection (3), after paragraph (a) insert—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Release and recall of prisoners. (See end of Document for details)

“(aa) amend section 32 of the Crime (Sentences) Act 1997 (recall of IPP prisoners and others while on licence and further release),”.

F3(4)

(5) The amendment made by subsection (2) applies in relation to a person recalled before the day on which it comes into force as well as in relation to a person recalled on or after that day.

Textual Amendments

F2 S. 11(1) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 144\(12\)](#), [208\(5\)\(p\)](#)

F3 S. 11(4) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 144\(12\)](#), [208\(5\)\(p\)](#)

Commencement Information

I2 S. 11(2)(3)(5) in force at 29.6.2022 by [S.I. 2022/716](#), [art. 2](#)

12 Offence of remaining unlawfully at large after recall

(1) After section 32 of the Crime (Sentences) Act 1997 (recall of life prisoners) insert—

“32ZA Offence of remaining unlawfully at large after recall

- (1) A person recalled to prison under section 32 commits an offence if the person—
- (a) has been notified of the recall orally or in writing, and
 - (b) while unlawfully at large fails, without reasonable excuse, to take all necessary steps to return to prison as soon as possible.
- (2) A person is to be treated for the purposes of subsection (1)(a) as having been notified of the recall if—
- (a) written notice of the recall has been delivered to an appropriate address, and
 - (b) a period specified in the notice has elapsed.
- (3) In subsection (2) “an appropriate address” means—
- (a) an address at which, under the person's licence, the person is permitted to reside or stay, or
 - (b) an address nominated, in accordance with the person's licence, for the purposes of this section.
- (4) A person is also to be treated for the purposes of subsection (1)(a) as having been notified of the recall if—
- (a) the person's licence requires the person to keep in touch in accordance with any instructions given by an officer of a provider of probation services,
 - (b) the person has failed to comply with such an instruction, and
 - (c) the person has not complied with such an instruction for at least 6 months.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Release and recall of prisoners. (See end of Document for details)

- (5) A person who is guilty of an offence under this section is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine (or both);
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months or a fine (or both).
- (6) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in subsection (5)(b) to 12 months is to be read as a reference to 6 months.
- (7) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (5)(b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum.”
- (2) After section 255 of the Criminal Justice Act 2003 (recall of prisoners) insert—

“255ZA Offence of remaining unlawfully at large after recall

- (1) A person recalled to prison under section 254 or 255 commits an offence if the person—
- (a) has been notified of the recall orally or in writing, and
 - (b) while unlawfully at large fails, without reasonable excuse, to take all necessary steps to return to prison as soon as possible.
- (2) A person is to be treated for the purposes of subsection (1)(a) as having been notified of the recall if—
- (a) written notice of the recall has been delivered to an appropriate address, and
 - (b) a period specified in the notice has elapsed.
- (3) In subsection (2) “an appropriate address” means—
- (a) an address at which, under the person's licence, the person is permitted to reside or stay, or
 - (b) an address nominated, in accordance with the person's licence, for the purposes of this section.
- (4) A person is also to be treated for the purposes of subsection (1)(a) as having been notified of the recall if—
- (a) the person's licence requires the person to keep in touch in accordance with any instructions given by an officer of a provider of probation services,
 - (b) the person has failed to comply with such an instruction, and
 - (c) the person has not complied with such an instruction for at least 6 months.
- (5) A person who is guilty of an offence under this section is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine (or both);
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months or a fine (or both).

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Release and recall of prisoners. (See end of Document for details)

- (6) In relation to an offence committed before section 154(1) comes into force, the reference in subsection (5)(b) to 12 months is to be read as a reference to 6 months.
- (7) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (5)(b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum.”
- (3) Section 32ZA of the Crime (Sentences) Act 1997 and section 255ZA of the Criminal Justice Act 2003 apply in relation to a person recalled to prison before or after this section comes into force.

Commencement Information

I3 S. 12 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 8

13 Offence of remaining unlawfully at large after temporary release

- (1) Section 1 of the Prisoners (Return to Custody) Act 1995 (remaining at large after temporary release) is amended as follows.
- (2) For subsection (3) substitute—
- “(3) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine (or both), and
- (b) on summary conviction to imprisonment for a term not exceeding 12 months or a fine (or both).”
- (3) At the end insert—
- “(7) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in subsection (3)(b) to 12 months is to be read as a reference to 6 months.
- (8) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (3)(b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum.”
- (4) The amendment made by subsection (2) does not apply where the period of temporary release expired, or the order of recall was made, before this section comes into force.

Commencement Information

I4 S. 13 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 9

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.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Release and recall of prisoners. (See end of Document for details)

- (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—
- “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

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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.

Commencement Information
I5 S. 14 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 10

15 Minor amendments and transitional cases

- F4(1)
- F4(2)
- F4(3)

- (4) In section 246(4) of the Criminal Justice Act 2003 (cases in which power to release before required to do so is not available), after paragraph (g) insert—

“(ga) the prisoner has at any time been released on licence under section 34A of the Criminal Justice Act 1991 and has been recalled to prison under section 38A(1)(a) of that Act (and the revocation of the licence has not been cancelled under section 38A(3) of that Act);”.

- (5) In section 250 of the Criminal Justice Act 2003 (licence conditions), for subsection (5A) substitute—

“(5A) Subsection (5B) applies to a licence granted, either on initial release or after recall to prison, to a prisoner serving an extended sentence imposed under section 226A or 226B, other than a sentence that meets the conditions in section 246A(2) (release without direction of the Board).

(5B) The Secretary of State must not—

- (a) include a condition referred to in subsection (4)(b)(ii) in the licence, either on release or subsequently, or
- (b) vary or cancel any such condition included in the licence, unless the Board directs the Secretary of State to do so.”

- (6) In section 260(2B) of the Criminal Justice Act 2003 (early removal from prison of extended sentence prisoners liable to removal from United Kingdom), for “section 246A” substitute “ this Chapter ”.

- (7) In Schedule 20A to the Criminal Justice Act 2003 (application of Chapter 6 of Part 12 to pre-4 April 2005 cases), in paragraph 4 (modification of section 246: power to release before required to do so)—

- (a) number the existing text as sub-paragraph (1),
- (b) in that sub-paragraph, for “Section 246 applies as if, in subsection (4)” substitute “ Section 246(4) applies as if— ”,
- (c) in that sub-paragraph, omit paragraph (c), and
- (d) after that sub-paragraph insert—

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Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Release and recall of prisoners. (See end of Document for details)

- “(2) Section 246(6) applies as if, in the definition of “term of imprisonment”, the reference to section 227 or 228 included a reference to section 85 of the Sentencing Act.”
- (8) In Schedule 20B to the Criminal Justice Act 2003 (modifications of Chapter 6 of Part 12 in certain transitional cases), omit paragraph 3(2)(a) (application of Part 2 of the Schedule to an extended sentence under section 85 of the Powers of Criminal Courts (Sentencing) Act 2000).
- (9) In paragraph 34 of that Schedule (licence conditions in certain transitional cases)—
- (a) in sub-paragraph (1), at the end insert “and which was granted to a person serving—
 - (a) a 1967 Act sentence,
 - (b) a 1991 Act sentence, or
 - (c) a 2003 Act sentence which is an extended sentence imposed under section 227 or 228 before 14 July 2008.”, and
 - (b) in sub-paragraph (6)(a), after “condition” insert “referred to in section 250(4)(b)(ii)”.
- (10) The amendments made by subsections (1), (3) and (4) 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.

Textual Amendments

F4 S. 15(1)-(3) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Modifications etc. (not altering text)

C1 S. 15 modified in part (1.12.2020 immediately before the consolidation date (see [2020 c. 9](#), ss. 3, 5(2)(3) and [2020 c. 17](#), ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1](#), 5(2)(3); [S.I. 2012/1236](#), reg. 2

Commencement Information

I6 S. 15 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 11](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015,
Cross Heading: Release and recall of prisoners.