



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 1

CRIMINAL JUSTICE

Release and recall of prisoners

10 Power to change test for release after recall: determinate sentences

- (1) In Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release etc of fixed-term prisoners), after section 256A insert—

“256AZA Power to change test for release following recall

- (1) The Secretary of State may by order change—
- (a) the test to be applied by the Secretary of State in deciding under section 255A whether a person is suitable for automatic release;
 - (b) the tests to be applied by the Secretary of State in deciding whether to release a person under section 255B(2) or 255C(2);
 - (c) the tests to be applied by the recall adjudicator in deciding how to determine a reference under section 255B(4), 255C(4) or 256A(1) or (2).
- (2) An order under subsection (1) may, in particular—
- (a) apply to people recalled before the day on which it comes into force as well as to people recalled on or after that day;
 - (b) amend this Chapter.”
- (2) In section 330(5)(a) of that Act (orders subject to affirmative procedure) at the appropriate place insert—
“section 256AZA,”.