

Draft Order laid before Parliament under section 330(5) of the Criminal Justice Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

PRISONS, ENGLAND AND WALES

**The Early Removal of Fixed-Term Prisoners
(Amendment of Eligibility Period) Order 2008**

Made - - - - *****
Coming into force - - *7th April 2008*

This Order is made in exercise of the powers conferred by section 260(6)(a) of the Criminal Justice Act 2003(1).

In accordance with section 330(5)(a) of that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order:

Citation and Commencement

1. This Order may be cited as the Early Removal of Fixed-Term Prisoners (Amendment of Eligibility Period) Order 2008 and shall come into force on 7th April 2008.

Amendment to the Criminal Justice Act 2003

2. In section 260(1) of the Criminal Justice Act 2003, for “135” substitute “270”.

Signed by authority of the Secretary of State

Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 260 of the Criminal Justice Act 2003 the Secretary of State may remove from prison a fixed-term prisoner who is liable to removal under section 259 of that Act before the Secretary of State is required to release the prisoner on licence. The prisoner may be removed from prison only for the purpose of removal from the United Kingdom.

This Order amends section 260(1) by substituting a reference to 270 days in place of the existing reference to 135 days. The effect of this amendment is that a fixed-term prisoner who is liable to removal from the United Kingdom will be liable to removal from prison during the period of 270 days ending with the half way point of the sentence, provided the prisoner meets the criteria as to length of sentence and length of time served, as set out in section 260(2).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.