

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

DRAFT STATUTORY INSTRUMENTS

2019 No.

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice Act 2003 (Early Release on Licence) Order
2019**

Made - - - -

Coming into force - -

6th January 2020

The Secretary of State, in exercise of the power conferred by section 246(5)(a) of the Criminal Justice Act 2003(a), makes the following Order.

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

Citation and commencement

1. This Order may be cited as the Criminal Justice Act 2003 (Early Release on Licence) Order 2019, and comes into force on 6th January 2020.

Amendment to section 246 of the Criminal Justice Act 2003

2. In section 246(1)(a) of the Criminal Justice Act 2003, for “135” substitute “180”.

Date

Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 246 of the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”).

(a) 2003 c. 44. Section 246 was amended by paragraph 221 of Schedule 16 to the Armed Forces Act 2006 (c. 52), section 24 of the Criminal Justice and Immigration Act 2008 (c. 4), section 110(9), 112(2) to 112(6) of, paragraph 23(2) to 23(6) of Schedule 10 to, and paragraph 7 of Schedule 14 to the Legal Aid Sentencing and Punishment of Offenders Act 2012 (c. 10), and section 15(4) and paragraph 7(2) and 7(3) of Schedule 1 to the Criminal Justice and Courts Act 2015 (c. 2).

The Secretary of State is required to release prisoners serving fixed-term sentences once they have served the required custodial period, which is set at one half of their sentence by section 243A(3) and 244(3) of the 2003 Act.

Section 246 of the 2003 Act gives the Secretary of State the power to release certain prisoners on licence, where certain conditions are fulfilled, before the prisoner has served the required custodial period. Section 246(1)(a) provides the number of days that prisoners can be released prior to having served the required custodial period.

Article 2 of this Order amends section 246(1)(a) so that prisoners serving fixed-term sentences can be released at any time up to 180 days before they have served one half of their sentence.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from www.legislation.gov.uk.

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