

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

2019 No.

CRIMINAL LAW, ENGLAND AND WALES

**The Release of Prisoners (Alteration of
Relevant Proportion of Sentence) Order 2019**

Made - - - - - ***
Coming into force - - - - - ***

The Secretary of State, in exercise of the powers conferred by sections 267, 330(3) and 330(4) of the Criminal Justice Act 2003(1), makes the following Order. In accordance with section 330(5) of that Act, a draft of the instrument 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 Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2019 and shall come into force on 1st April 2020.

Interpretation

2.—(1) In this Order—

“the 2003 Act” means the Criminal Justice Act 2003,

“relevant violent or sexual offence” means an offence listed in Part 1 or 2 of Schedule 15 to the 2003 Act for which a sentence of life imprisonment may be imposed.

(2) In this Order, a reference to a term of imprisonment is to be read as including a reference to a sentence falling within section 237(1)(b) of the 2003 Act.

(1) 2003 c.44. Section 267 of the Criminal Justice Act 2003 was amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 s 111(2), Sch 14, paras 5, 6(1), (3)(a), s 89(2), Sch 10, paras 12, 21(1), (3)(a), (3)(b), the Offender Rehabilitation Act 2014 s 7(1), Sch 3, paras 14, 18, the Domestic Violence, Crime and Victims Act 2004, s 31, Sch 6, paras 1, 2(b) and SI 2019/***.

Reference in section 244 of the 2003 Act

3. In section 244 of the 2003 Act (duty to release prisoners), the reference to one-half in subsection (3)(a) is to be read, in relation to a prisoner sentenced to a term of imprisonment of 7 years or more for a relevant violent or sexual offence, as a reference to two-thirds.

Reference in section 264 of the 2003 Act

4. In section 264 of the 2003 Act (consecutive terms), the reference to one-half in subsection (6)(d) is to be read, in relation to a sentence to a term of imprisonment of 7 years or more for a relevant violent or sexual offence, as a reference to two-thirds.

Application provisions

5. Articles 3 and 4 do not apply—
- (a) in relation to any sentence imposed before the day on which this Order comes into force,
 - (b) in relation to an offender who was aged under 18 at the time the sentence for the relevant violent or sexual offence was imposed, or
 - (c) in relation to a sentence imposed under section 236A of the 2003 Act (special custodial sentence for offenders of particular concern).

Date

Secretary of State for Justice
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the application of sections 244 and 264 of the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”).

The Secretary of State is required to release on licence prisoners serving fixed-term sentences once they have served the requisite custodial period, which is set by section 244(3) of the 2003 Act.

Article 3 of this Order modifies the application of section 244(3)(a) so that prisoners serving a fixed-term sentence of seven years or more for a relevant violent or sexual offence (as specified in article 2, where not excluded by article 5) cannot be released on licence until they have served two thirds of their sentence.

Article 4 of this Order makes consequential provision for modification of the application of section 264(6)(d), which affects prisoners serving consecutive sentences. Where the sentence is for a term of seven years or more and is imposed for a relevant violent or sexual offence the proportion of that sentence that must be served will be two thirds of the sentence. Any sentence served consecutively which is not imposed for a term of seven years or more and for a relevant violent or sexual offence will retain the half way release point.

Article 5 of this Order excludes from the operation of the Order prisoners sentenced before the Order comes into force, those aged under 18 at the time of sentence, and those who receive a sentence under section 236A of the 2003 Act.

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.