

*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

2023 No.

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 2003 (Home
Detention Curfew) Order 2023

Made - - - - ***
Coming into force - - 6th June 2023

The Secretary of State, in exercise of the power conferred by section 246(5)(a) of the Criminal Justice Act 2003(1), 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.—(1) This Order may be cited as the Criminal Justice Act 2003 (Home Detention Curfew) Order 2023.

(2) This Order comes into force on 6th June 2023.

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

Name
Minister of State
Ministry of Justice

(1) 2003 c. 44. Section 246 was amended by the Armed Forces Act 2006 (c. 52), Schedule 16, paragraph 221; the Criminal Justice and Immigration Act 2008 (c. 4), section 24; the Legal Aid Sentencing and Punishment of Offenders Act 2012 (c. 10), sections 110(9), 112, Schedule 10, paragraph 23, Schedule 14, paragraph 7 and Schedule 20, paragraph 5; the Criminal Justice and Courts Act 2015 (c. 2), section 15(4) and Schedule 1, paragraph 7; the Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), section 2(5); and the Sentencing Act 2020 (c. 17), Schedule 24, paragraph 224.

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”).

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 Home Detention Curfew, which is a release on licence where they are subject to an electronically monitored curfew in the community. Section 246(1)(a) provides that the release can be up to 135 days before they have 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.