



Criminal Justice Act 1991

1991 CHAPTER 53

PART II

EARLY RELEASE OF PRISONERS

Misbehaviour after release

38 Breach of licence conditions by short-term prisoners

- (1) A short-term prisoner—
- (a) who is released on licence under this Part; and
 - (b) who fails to comply with such conditions as may for the time being be specified in the licence,
- shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) The magistrates' court by which a person is convicted of an offence under subsection (1) above may, whether or not it passes any other sentence on him—
- (a) suspend the licence for a period not exceeding six months; and
 - (b) order him to be recalled to prison for the period during which the licence is so suspended.
- (3) On the suspension of the licence of any person under this section, he shall be liable to be detained in pursuance of his sentence and, if at large, shall be deemed to be unlawfully at large.

39 Recall of long-term and life prisoners while on licence

- (1) If recommended to do so by the Board in the case of a long-term or life prisoner who has been released on licence under this Part, the Secretary of State may revoke his licence and recall him to prison.

Status: This is the original version (as it was originally enacted).

- (2) The Secretary of State may revoke the licence of any such person and recall him to prison without a recommendation by the Board, where it appears to him that it is expedient in the public interest to recall that person before such a recommendation is practicable.
- (3) A person recalled to prison under subsection (1) or (2) above—
 - (a) may make representations in writing with respect to his recall; and
 - (b) on his return to prison, shall be informed of the reasons for his recall and of his right to make representations.
- (4) The Secretary of State shall refer to the Board—
 - (a) the case of a person recalled under subsection (1) above who makes representations under subsection (3) above; and
 - (b) the case of a person recalled under subsection (2) above.
- (5) Where on a reference under subsection (4) above the Board—
 - (a) directs in the case of a discretionary life prisoner; or
 - (b) recommends in the case of any other person,
 his immediate release on licence under this section, the Secretary of State shall give effect to the direction or recommendation.
- (6) On the revocation of the licence of any person under this section, he shall be liable to be detained in pursuance of his sentence and, if at large, shall be deemed to be unlawfully at large.

40 Convictions during currency of original sentences

- (1) This section applies to a short-term or long-term prisoner who is released under this Part if—
 - (a) before the date on which he would (but for his release) have served his sentence in full, he commits an offence punishable with imprisonment; and
 - (b) whether before or after that date, he is convicted of that offence (“the new offence”).
- (2) Subject to subsection (3) below, the court by or before which a person to whom this section applies is convicted of the new offence may, whether or not it passes any other sentence on him, order him to be returned to prison for the whole or any part of the period which—
 - (a) begins with the date of the order; and
 - (b) is equal in length to the period between the date on which the new offence was committed and the date mentioned in subsection (1) above.
- (3) A magistrates' court—
 - (a) shall not have power to order a person to whom this section applies to be returned to prison for a period of more than six months; but
 - (b) may commit him in custody or on bail to the Crown Court for sentence in accordance with section 42 of the 1973 Act (power of Crown Court to sentence persons convicted by magistrates' courts of indictable offences).
- (4) The period for which a person to whom this section applies is ordered under subsection (2) above to be returned to prison—
 - (a) shall be taken to be a sentence of imprisonment for the purposes of this Part;

Status: This is the original version (as it was originally enacted).

- (b) shall, as the court may direct, either be served before and be followed by, or be served concurrently with, the sentence imposed for the new offence; and
- (c) in either case, shall be disregarded in determining the appropriate length of that sentence.