

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Paragraph 46 is up to date with all changes known to be in force on or before 03 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 9

### MINOR AMENDMENTS

#### Extent Information

**E1** Sch. 9 does not extend to Scotland in so far as it relates to s. 17(1) of the Video Act 1984 see s. 172(16)

#### *[<sup>F1</sup> Discretionary life prisoners*

#### Textual Amendments

**F1** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604](#), art. 2(d)

46 (1) In section 34 of the <sup>M1</sup>Criminal Justice Act 1991 (duty to release discretionary life prisoners after they have served the relevant part of their sentence and the Parole Board has directed their release)—

(a) in subsection (6), for the words after “sentence” there shall be substituted the following words—

“—

(a) account shall be taken of any corresponding relevant period; but

(b) no account shall be taken of any time during which the prisoner was unlawfully at large within the meaning of section 49 of the Prison Act 1952 (“the 1952 Act”).”; and

(b) after that subsection, there shall be inserted the following subsection-

“(6A) In subsection (6)(a) above, “corresponding relevant period” means the period corresponding to the period by which a determinate sentence of imprisonment imposed on the offender would fall to be reduced under section 67 of the Criminal Justice Act 1967 (reduction of sentences to take account of police detention or remands in custody).”.

(2) In paragraph 9(2) of Schedule 12 to that Act (application of early release provisions of the Act to existing life prisoners), after paragraph (b) there shall be inserted the following paragraph, preceded by the word “and”—

“(c) in section 34 of this Act, paragraph (a) of subsection (6) and subsection (6A) were omitted.”.]

#### Marginal Citations

**M1** [1991 c. 53](#).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)