



# Crime (Sentences) Act 1997

## 1997 CHAPTER 43

### PART II

#### EFFECT OF CUSTODIAL SENTENCES

#### CHAPTER II

#### LIFE SENTENCES

#### *Miscellaneous and supplemental*

#### <sup>F1</sup>33 Life prisoners transferred to England and Wales.

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#### Textual Amendments

F1 S. 33 repealed (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 303(b)(ii), 336(2), [Sch. 37 Pt. 8](#)

#### [<sup>F2</sup>33A Life prisoners also serving fixed-term sentence

- (1) This section applies where a life prisoner is also serving one or more sentences by virtue of which the fixed-term provisions apply to the offender.
- (2) Nothing in this Chapter requires the Secretary of State to release the prisoner unless the Secretary of State is also required by the fixed-term provisions to release the prisoner.
- (3) Nothing in this Chapter requires the Secretary of State to refer the prisoner's case to the Parole Board unless the Secretary of State is also required by the fixed-term provisions to—
  - (a) refer the prisoner's case to the Board, or
  - (b) release the prisoner.

*Changes to legislation: Crime (Sentences) Act 1997, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 27 April 2024. 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*

- (4) Subsection (3) does not apply to a reference by the Secretary of State under section 31A(3).
- (5) The fact that the prisoner is serving a life sentence is to be ignored in determining, for the purposes of subsections (2) and (3), what the fixed-term provisions require.
- (6) In this section “the fixed-term provisions” means Chapter 6 of Part 12 of the Criminal Justice Act 2003.]

**Textual Amendments**  
**F2** S. 33A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 144(1)(b), 208(5)(p)**

**34 Interpretation of Chapter II.**

- (1) In this Chapter “life prisoner” means a person serving one or more life sentences [<sup>F3</sup>and includes a transferred life prisoner as defined by section 273 of the Criminal Justice Act 2003]; <sup>F4</sup>...
- (2) In this section “life sentence” means any of the following imposed for an offence, whether committed before or after the commencement of this Chapter, namely—
  - (a) a sentence of imprisonment for life;
  - (b) a sentence of detention during Her Majesty’s pleasure or for life under [<sup>F5</sup>section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000][<sup>F6</sup>or section 250 or 259 of the Sentencing Code]; and
  - (c) a sentence of custody for life [<sup>F7</sup>under section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000, under section 272 or 275 of the Sentencing Code (including a sentence passed as a result of section 217 of the Armed Forces Act 2006) or under section 210A of the Armed Forces Act 2006].
  - [<sup>F8</sup>(d) a sentence of imprisonment [<sup>F9</sup>or detention in a young offender institution] for public protection under section 225 of the Criminal Justice Act 2003 [<sup>F10</sup>(including one passed as a result of section 219 of the Armed Forces Act 2006), <sup>F11</sup>...
  - (e) a sentence of detention for public protection under section 226 of that Act [<sup>F12</sup>(including one passed as a result of section 221 of the Armed Forces Act 2006)].]
  - [<sup>F13</sup>(f) a sentence of detention for life under section 209 of the Armed Forces Act 2006;
  - (g) a sentence under section 218 of that Act (detention at Her Majesty’s pleasure).]

<sup>F14</sup>(3) .....

<sup>F15</sup>(4) .....

**Textual Amendments**  
**F3** Words in s. 34(1) inserted (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 273(4), 336(2)**  
**F4** Word in s. 34(1) repealed (30.11.2000 with effect as mentioned in Sch. 7 para. 145 and notes to Sch. 8 of the repealing Act) by [2000 c. 43, ss. 74, 75, 80\(3\)\(d\)](#), [Sch. 7 Pt. II para. 138](#), **Sch. 8**

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- F5** Words in s. 34(2)(3) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 183(2)(3)**
- F6** Words in s. 34(2)(b) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 146(a)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F7** Words in s. 34(2)(c) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 146(b)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F8** S. 34(2)(d)(e) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 18 para. 3**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 40** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))
- F9** Words in s. 34(2)(d) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 117(10)(b), 151(1)** (with **Sch. 15**); S.I. 2012/2906, art. 2(d)
- F10** Words in s. 34(2)(d) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 142(2)(a)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F11** Word in s. 34(2)(d) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F12** Words in s. 34(2)(e) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 142(2)(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F13** S. 34(2)(f)(g) added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 142(2)(c)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F14** S. 34(3) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 142(3), Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F15** S. 34(4) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 144(1)(c), 208(5)(p)**

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**Modifications etc. (not altering text)**

- C1** S. 34: exercise of functions restricted in or as regards Scotland (30.6.1999) by S.I. 1999/1748, art. 8(2), **Sch. 4 Pt. 1 para. 1**
- C2** S. 34(1) extended (18.12.2003) by Criminal Justice Act 2003 (c. 44), s. 336(2), **Sch. 22 para. 17**
- C3** S. 34(2) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), art. 1(3), **Sch. 1 para. 40**

**Changes to legislation:**

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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. 35(5)(c)s. 35(8)(a) by [2000 c. 43 Sch. 7 para. 139\(b\)](#)
- s. 8(5) by [2000 c. 43 Sch. 7 para. 143](#)