



Crime (Sentences) Act 1997

1997 CHAPTER 43

PART II

EFFECT OF CUSTODIAL SENTENCES

CHAPTER II

LIFE SENTENCES

Release on licence

28 Duty to release certain life prisoners

- (1) A life prisoner is one to whom this section applies if—
 - (a) the conditions mentioned in subsection (2) below are fulfilled; or
 - (b) he was under 18 at the time when he committed the offence for which his sentence was imposed.
- (2) The conditions referred to in subsection (1)(a) above are—
 - (a) that the prisoner's sentence was imposed for an offence the sentence for which is not fixed by law; and
 - (b) that the court by which he was sentenced for that offence ordered that this section should apply to him as soon as he had served a part of his sentence specified in the order.
- (3) A part of a sentence specified in an order under subsection (2)(b) above shall be such part as the court considers appropriate taking into account—
 - (a) the seriousness of the offence, or the combination of the offence and other offences associated with it; and
 - (b) the effect of any direction which it would have given under section 9 above if it had sentenced him to a term of imprisonment.

Status: This is the original version (as it was originally enacted).

- (4) Where in the case of a life prisoner to whom this section applies the conditions mentioned in subsection (2) above are not fulfilled, the Secretary of State shall direct that this section shall apply to him as soon as he has served a part of his sentence specified in the direction.
- (5) As soon as, in the case of a life prisoner to whom this section applies—
 - (a) he has served the part of his sentence specified in the order or direction (“the relevant part”); and
 - (b) the Parole Board has directed his release under this section,it shall be the duty of the Secretary of State to release him on licence.
- (6) The Parole Board shall not give a direction under subsection (5) above with respect to a life prisoner to whom this section applies unless—
 - (a) the Secretary of State has referred the prisoner’s case to the Board; and
 - (b) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (7) A life prisoner to whom this section applies may require the Secretary of State to refer his case to the Parole Board at any time—
 - (a) after he has served the relevant part of his sentence; and
 - (b) where there has been a previous reference of his case to the Board, after the end of the period of two years beginning with the disposal of that reference; and
 - (c) where he is also serving a sentence of imprisonment or detention for a term, after the time when, but for his life sentence, he would be entitled to be released;and in this subsection “previous reference” means a reference under subsection (6) above or section 32(4) below.
- (8) In determining for the purpose of subsection (5) or (7) above whether a life prisoner to whom this section applies has served the relevant part of his sentence, no account shall be taken of any time during which he was unlawfully at large within the meaning of section 49 of the Prison Act 1952.
- (9) An offence is associated with another for the purposes of this section if it is so associated for the purposes of Part I of the 1991 Act.