Crime and Disorder Act 1998

1998 CHAPTER 37

PART IV

DEALING WITH OFFENDERS

CHAPTER I

ENGLAND AND WALES

Sexual or violent offenders

60 Re-release of prisoners serving extended sentences

After section 44 of the 1991 Act there shall be inserted the following section—

"**44A Re-release of prisoners serving extended sentences**

(1) This section applies to a prisoner serving an extended sentence within the meaning of section 58 of the Crime and Disorder Act 1998 who is recalled to prison under section 39(1) or (2) above.

(2) Subject to subsection (3) below, the prisoner may require the Secretary of State to refer his case to the Board at any time.

(3) Where there has been a previous reference of the prisoner's case to the Board (whether under this section or section 39(4) above), the Secretary of State shall not be required to refer the case until after the end of the period of one year beginning with the disposal of that reference.

(4) On a reference—

(a) under this section; or

(b) under section 39(4) above,

the Board shall direct the prisoner's release if satisfied that it is no longer necessary for the protection of the public that he should be confined (but not otherwise).

(5) If the Board gives a direction under subsection (4) above it shall be the duty of the Secretary of State to release the prisoner on licence."