



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

[^{F1} RELEASE, LICENCES^{F1}, SUPERVISION] AND RECALL]

Consecutive or concurrent terms

263 Concurrent terms

- (1) This section applies where—
 - (a) a person (“the offender”) has been sentenced ^{F1} . . . to two or more terms of imprisonment which are wholly or partly concurrent, and
 - (b) the sentences were passed on the same occasion or, where they were passed on different occasions, the person has not been released under this Chapter at any time during the period beginning with the first and ending with the last of those occasions.
- (2) Where this section applies—
 - (a) nothing in this Chapter requires the Secretary of State to release the offender in respect of any of the terms unless and until he is required to release him in respect of each of the others,
 - [^{F2}(aa) the offender's release is to be unconditional if section 243A so requires in respect of each of the sentences (and in any other case is to be on licence),]
 - (b) [^{F3}section 246] does not authorise the Secretary of State to release him on licence under that section in respect of any of the terms unless and until that section authorises the Secretary of State to do so in respect of each of the others [^{F4}to which that section applies],

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- (c) on and after his release under this Chapter [^{F5}(unless that release is unconditional)] the offender is to be on licence^{F6}—
- (i) until the last date on which the offender is required to be on licence in respect of any of the terms, and
 - (ii) subject to such conditions as are] required by this Chapter in respect of any of the sentences.

^{F7}(3)

- (4) In this section “term of imprisonment” includes a determinate sentence of detention under section 91 [^{F8}or 96] of the Sentencing Act or under section [^{F9}226A, 226B,]^{F10}227 [^{F11}, 228 or 236A] of this Act.

[^{F12}(5) This section is subject to paragraphs 21, 31 and 32 of Schedule 20B (transitional cases).]

Textual Amendments

- F1** Words in s. 263(1)(a) repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, Sch. 16 para. 226, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F2** S. 263(2)(aa) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 13\(a\)](#); S.I. 2012/2906, art. 2(l)
- F3** Words in s. 263(2)(b) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. [116\(8\)](#), 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F4** Words in s. 263(2)(b) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 13\(b\)](#); S.I. 2012/2906, art. 2(l)
- F5** Words in s. 263(2)(c) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 13\(c\)](#); S.I. 2012/2906, art. 2(l)
- F6** Words in s. 263(2)(c) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. [116\(9\)](#), 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F7** S. 263(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 31](#); S.I. 2012/2906, art. 2(h)
- F8** Words in s. 263(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. [117\(7\)\(a\)](#), 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F9** Words in s. 263(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 20 para. 11](#); S.I. 2012/2906, art. 2(r)
- F10** Words in s. 263(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. [117\(7\)\(b\)](#), 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F11** Words in s. 263(4) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 1 para. 22](#); S.I. 2015/778, art. 3, Sch. 1 para. 72
- F12** S. 263(5) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 17 para. 7](#); S.I. 2012/2906, art. 2(o)

Commencement Information

- I1** S. 263 wholly in force at 4.4.2005; s. 263 not in force at Royal Assent, see s. 336(3); s. 263 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2](#), Sch.; s. 263 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

264 Consecutive terms

- (1) This section applies where—

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- (a) a person (“the offender”) has been sentenced to two or more terms of imprisonment which are to be served consecutively on each other, and
 - (b) the sentences were passed on the same occasion or, where they were passed on different occasions, the person has not been released under this Chapter at any time during the period beginning with the first and ending with the last of those occasions, ^{F13} ...
 - ^{F13}(c)
- (2) Nothing in this Chapter requires the Secretary of State to release the offender ^{F14}... until he has served a period equal in length to the aggregate of the length of the custodial periods in relation to each of the terms of imprisonment.
- [^{F15}(3B) The offender's release under this Chapter is to be unconditional if—
- (a) the aggregate length of the terms of imprisonment is less than 12 months, and
 - (b) section 243A so requires in respect of each of the sentences,
- but in any other case is to be on licence.
- (3C) If the offender is released on licence under this Chapter—
- (a) the offender is to be on licence, on and after the release, until the offender would, but for the release, have served a term equal in length to the aggregate length of the terms of imprisonment (but see section 264B);
 - (b) the offender is to be subject to supervision requirements under section 256AA if (and only if)—
 - (i) section 256AA so requires in respect of one or more of the sentences, and
 - (ii) the aggregate length of the terms of imprisonment is less than 2 years.
- (3D) If the offender is subject to supervision requirements under section 256AA, the supervision period for the purposes of that section begins on the expiry of the period during which the offender is on licence by virtue of subsection (3C)(a).
- (3E) When the offender is released under this Chapter (whether unconditionally or on licence), the offender is to be subject to supervision requirements under section 256B if that section so requires in respect of one or more of the sentences.]
- ^{F16}(4)
- ^{F16}(5)
- [^{F17}(6) In this section “custodial period” means—
- (a) in relation to an extended sentence imposed under section 226A or 226B, two-thirds of the appropriate custodial term determined by the court under that section,
 - (b) in relation to an extended sentence imposed under section 227 or 228, one-half of the appropriate custodial term determined by the court under that section,
 - (c) in relation to a sentence imposed under section 236A, one-half of the appropriate custodial term determined by the court under that section, and
 - (d) in relation to any other sentence, one-half of the sentence.]
- (7) This section applies to a determinate sentence of detention under section 91 [^{F18}or 96] of the Sentencing Act or under section [^{F19}226A, 226B,][^{F20}227][^{F21}, 228 or 236A] of this Act as it applies to a term of imprisonment ^{F22}

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[^{F23}(8) This section is subject to paragraphs 21, 22, 31, 32 and 33 of Schedule 20B (transitional cases).]

Textual Amendments

- F13** S. 264(1)(c) and preceding word omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 32(2)**; S.I. 2012/2906, art. 2(h)
- F14** Words in s. 264(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 14 para. 14(a)**; S.I. 2012/2906, art. 2(l)
- F15** S. 264(3B)-(3E) substituted for s. 264(3)(3A) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 5(2), 22(1)** (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(e)
- F16** S. 264(4)(5) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 14 para. 14(d)**; S.I. 2012/2906, art. 2(l)
- F17** S. 264(6) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 1 para. 23(2)**; S.I. 2015/778, art. 3, [Sch. 1 para. 72](#)
- F18** Words in s. 264(7) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 117(8)(a), 151(1)** (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F19** Words in s. 264(7) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 20 para. 12(3)**; S.I. 2012/2906, art. 2(r)
- F20** Words in s. 264(7) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 117(8)(b), 151(1)** (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F21** Words in s. 264(7) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 1 para. 23(3)**; S.I. 2015/778, art. 3, [Sch. 1 para. 72](#)
- F22** Words in s. 264(7) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 14 para. 14(f)**; S.I. 2012/2906, art. 2(l)
- F23** S. 264(8) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 17 para. 8**; S.I. 2012/2906, art. 2(o)

Commencement Information

- I2** S. 264 partly in force; s. 264 not in force at Royal Assent, see s. 336(3); s. 264 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), **art. 2, Sch.**; s. 264(1)-(3)(6)(7) in force at 4.4.2005 by [S.I. 2005/950](#), **art. 2(1), Sch. 1 para. 19** (subject to [art. 2\(2\), Sch. 2](#))

^{F24}264A Consecutive terms: intermittent custody

Textual Amendments

- F24** S. 264A omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 33**; S.I. 2012/2906, art. 2(h)

[^{F25}264B Consecutive terms: supplementary

- (1) This section applies in a case in which section 264 applies where—
- (a) the offender is released on licence under this Chapter,
 - (b) the aggregate length of the terms of imprisonment mentioned in section 264(1) (a) is less than 12 months, and
 - (c) those terms include one or more terms of imprisonment (“short transitional terms”) which were imposed in respect of an offence committed before the day

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on which section 1 of the Offender Rehabilitation Act 2014 came into force, as well as one or more terms imposed in respect of an offence committed on or after that day.

- (2) The offender is to be on licence until the offender would, but for the release, have served a term equal in length to the aggregate of—
 - (a) the custodial period in relation to each of the short transitional terms, and
 - (b) the full length of each of the other terms.
- (3) In this section “custodial period” has the same meaning as in section 264.]

Textual Amendments

F25 S. 264B inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 5\(3\)](#), [22\(1\)](#) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(e\)](#)

Modifications etc. (not altering text)

- C1** S. 264B applied by 1997 c. 43, Sch. 1 para. 8(2)(a) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [s. 22\(1\)](#), [Sch. 3 para. 3\(2\)\(a\)](#) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(u\)](#))
- C2** S. 264B applied by 1997 c. 43, Sch. 1 para. 9(4)(a) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [s. 22\(1\)](#), [Sch. 3 para. 3\(3\)\(a\)](#) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(u\)](#))
- C3** S. 264B applied by 1997 c. 43, Sch. 1 para. 9(2)(a)(4)(a) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [s. 22\(1\)](#), [Sch. 3 para. 5\(2\)\(3\)](#) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(u\)](#))

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