

Status: Point in time view as at 17/10/2016.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Sentence of more than 12 months imposed before 1 October 1992 is up to date with all changes known to be in force on or before 21 May 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)

SCHEDULES

[^{F1}SCHEDULE 20B

MODIFICATIONS OF CHAPTER 6 OF PART 12 IN CERTAIN TRANSITIONAL CASES

Textual Amendments

- F1** Sch. 20B inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 17 para. 10](#); S.I. 2012/2906, art. 2(o)

Modifications etc. (not altering text)

- C1** Schs. 20A, 20B 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\(2\)\(b\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u))
- C1** Schs. 20A, 20B 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\(3\)\(b\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u))
- C1** Schs. 20A, 20B 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))

PART 3

PRISONERS SERVING 1967 ACT SENTENCES

Sentence of more than 12 months imposed before 1 October 1992

- 24 (1) This paragraph applies to a person if—
- the person is serving a sentence of imprisonment imposed before 1 October 1992,
 - the sentence is for a term of more than 12 months, and
 - the person has not previously been released from prison on licence in respect of that sentence.
- (2) This paragraph also applies to a person if—
- the person is serving a sentence of imprisonment imposed before 1 October 1992,
 - the sentence is for a term of more than 12 months,
 - the person has been released on licence under Part 2 of the 1991 Act, and
 - the person has been recalled before 14 July 2008 (and has not been recalled after that date).
- (3) But this paragraph does not apply if, on the passing of the sentence, an extended sentence certificate was issued (see paragraph 27).
- (4) If a person has been—

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- (a) released under section 34A of the 1991 Act or section 246 (home detention curfew), and
- (b) recalled under section 38A(1)(b) of the 1991 Act or section 255(1)(b) (no longer possible to monitor curfew),
- the release and recall are to be disregarded for the purposes of this paragraph.
- 25 (1) It is the duty of the Secretary of State to release a person to whom paragraph 24 applies unconditionally under this paragraph—
- (a) in the case of a person falling within paragraph 24(1), as soon as the person has served two-thirds of the sentence;
- (b) in the case of a person falling within paragraph 24(2), as soon as the person would (but for the earlier release) have served two-thirds of the sentence.
- (2) After a person falling within paragraph 24(1) has served one-third of the sentence or six months, whichever is longer, the Secretary of State must, if directed to do so by the Board, release the person on licence under this paragraph.
- (3) The Board must not give a direction under sub-paragraph (2) unless the Board is satisfied that it is no longer necessary for the protection of the public that the person should be confined.
- (4) Sub-paragraphs (1) to (3) apply in place of section 244 (release on licence of prisoners serving 12 months or more).
- 26 (1) Where a person to whom paragraph 24 applies is released on licence under paragraph 25(2), the licence shall remain in force until the date on which the person would (but for the release) have served two-thirds of the sentence.
- (2) Sub-paragraph (1) is subject to any revocation under section 254.
- (3) Sub-paragraphs (1) and (2) apply in place of section 249 (duration of licence).]

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