

*Status: Point in time view as at 13/04/2015.*

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## SCHEDULES

### [<sup>F1</sup>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. 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))
- 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))

## PART 4

### PROVISIONS APPLYING GENERALLY

#### *Licence conditions*

- 34 (1) This paragraph applies to any licence (a “Parole Board licence”) which falls within sub-paragraph (2) or (3) [<sup>F2</sup>and which was granted to a person serving—
- (a) a 1967 Act sentence,
  - (b) a 1991 Act sentence, or
  - (c) a 2003 Act sentence which is an extended sentence imposed under section 227 or 228 before 14 July 2008.]
- (2) A licence falls within this sub-paragraph if—
- (a) it is or was granted to a person (“P”) on P’s release (at any time) on the recommendation or direction of the Board, and
  - (b) P has not been released otherwise than on such a recommendation or direction.
- (3) A licence falls within this sub-paragraph if—
- (a) it is or was granted to a person (“P”) on P’s release (at any time), and
  - (b) condition A or condition B is met.
- (4) Condition A is that, before 2 August 2010, the Board exercised the function under section 37(5) of the 1991 Act of making recommendations as to any condition to be

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included or inserted as a condition in a licence granted to P (including by making a recommendation that no condition should be included in such a licence).

(5) Condition B is that, before 2 August 2010—

- (a) P was released on licence under section 33(2), (3) or (3A) or 35(1) of the 1991 Act, and
- (b) the Board exercised the function under section 37(5) of that Act of—
  - (i) making recommendations as to the inclusion or insertion of a condition in a licence granted to P (including by making a recommendation that no condition should be included in such a licence), or
  - (ii) making recommendations as to the variation or cancellation of any such condition (including a recommendation that the condition should not be varied or cancelled).

(6) The Secretary of State must not—

- (a) include on release, or subsequently insert, a condition [<sup>F3</sup>referred to in section 250(4)(b)(ii)] in a Parole Board licence, or
  - (b) vary or cancel any such condition,
- except in accordance with directions of the Board.

#### **Textual Amendments**

- F2** Words in Sch. 20B para. 34(1) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 15\(9\)\(a\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 11](#)
- F3** Words in Sch. 20B para. 34(6)(a) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 15\(9\)\(b\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 11](#)

#### *Fine defaulters and contemnors*

35 (1) This paragraph applies to any person if—

- (a) the person has been committed to prison or to be detained under section 108 of the Sentencing Act—
  - (i) in default of payment of a sum adjudged to be paid by a conviction, or
  - (ii) for contempt of court or any kindred offence,
- (b) the person was so committed or detained before 4 April 2005, and
- (c) the term for which the person was committed or detained is 12 months or more.

(2) As soon as a person to whom this paragraph applies has served two-thirds of the term, it is the duty of the Secretary of State to release the person unconditionally.

(3) Sub-paragraph (2) applies in place of section 258(2) (early release of fine defaulters and contemnors).

#### *Early removal of prisoners liable to removal from UK*

36 (1) This paragraph applies to any person who—

- (a) has served one-half of a sentence of imprisonment, and
- (b) has not been released on licence under this Chapter.

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- (2) The reference in sub-paragraph (1)(a) to one-half of a sentence is—
- (a) in the case of a section 85 extended sentence, a reference to one-half of the custodial term;
  - (b) in the case of an extended sentence imposed under section 227 or 228, a reference to one-half of the appropriate custodial term.
- 37 (1) If a person to whom paragraph 36 applies—
- (a) is liable to removal from the United Kingdom, and
  - (b) has not been removed from prison under section 260 during the period mentioned in subsection (1) of that section,
- the Secretary of State may remove the person from prison under that section at any time after the end of that period.
- (2) Sub-paragraph (1) applies whether or not the Board has directed the person's release under paragraph 6, 15, 25 or 28.]

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