



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

Release and recall of prisoners

30 Further review and release of prisoners after recall

- (1) Section 256 of the Criminal Justice Act 2003 (c. 44) (further release after recall) is amended as follows.
- (2) In subsection (1) for paragraph (b) substitute—
 - “(b) determine the reference by making no recommendation as to his release.”
- (3) In subsection (2) omit “or (b)”.
- (4) Subsections (3) and (5) cease to have effect.
- (5) In consequence of the amendments made by section 29 and this section, the heading to section 256 becomes “Review by the Board”.
- (6) After section 256 insert—

“256A Further review

- (1) The Secretary of State must, not later than the first anniversary of a determination by the Board under section 256(1) or subsection (4) below, refer the person’s case to the Board.
- (2) The Secretary of State may, at any time before that anniversary, refer the person’s case to the Board.

Status: This is the original version (as it was originally enacted).

- (3) The Board may at any time recommend to the Secretary of State that a person's case be referred under subsection (2).
- (4) On a reference under subsection (1) or (2), the Board must determine the reference by—
 - (a) recommending the person's immediate release on licence under this Chapter,
 - (b) fixing a date for his release on licence, or
 - (c) making no recommendation as to his release.
- (5) The Secretary of State—
 - (a) where the Board makes a recommendation under subsection (4)(a) for the person's immediate release on licence, must give effect to the recommendation; and
 - (b) where the Board fixes a release date under subsection (4)(b), must release the person on licence on that date."