



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

Early removal of prisoners from the United Kingdom

33 Removal under Criminal Justice Act 1991

- (1) Part 2 of the Criminal Justice Act 1991 (early release of prisoners: offences before 4th April 2005 etc.) is amended as follows.
- (2) After section 46 insert—

“46ZA Persons eligible for removal from the United Kingdom

- (1) For the purposes of section 46A below, to be “eligible for removal from the United Kingdom” a person must show, to the satisfaction of the Secretary of State, that the condition in subsection (2) is met.
 - (2) The condition is that the person has the settled intention of residing permanently outside the United Kingdom if removed from prison under section 46A below.
 - (3) The person must not be one who is liable to removal from the United Kingdom.”
- (3) Section 46A (early removal of persons liable to removal from the United Kingdom) is amended as follows.
 - (4) In subsection (1) (the power of removal) after “is liable to” insert “, or eligible for,”.

Status: Point in time view as at 03/11/2008. This version of this provision has been superseded.

Changes to legislation: Criminal Justice and Immigration Act 2008, Section 33 is up to date with all changes known to be in force on or before 05 January 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)

- (5) Also in subsection (1), for “at any time after he has served the requisite period” substitute “at any time in the period—
- (a) beginning when the person has served the requisite period (see subsection (5)), and
 - (b) ending when the person has served one-half of the term.”
- (6) Subsection (2) (cases where subsection (1) does not apply) ceases to have effect.
- (7) In subsection (3) (purpose of removal from prison etc.)—
- (a) at the beginning of paragraph (a) insert “ if liable to removal from the United Kingdom, ”;
 - (b) for “and” at the end of that paragraph substitute—
 - “(aa) if eligible for removal from the United Kingdom, is so removed only for the purpose of enabling the prisoner to leave the United Kingdom in order to reside permanently outside the United Kingdom, and”;
 - (c) at the beginning of paragraph (b) insert “ in either case, ”.
- (8) In consequence of the amendments made by this section, the heading to section 46A becomes “ Early removal of persons liable to, or eligible for, removal from United Kingdom ”.

Commencement Information

II S. 33(1)(3)(5)(6) in force at 3.11.2008 by [S.I. 2008/2712](#), art. 2, [Sch. para. 4](#)

Status:

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