

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

EXPLANATORY NOTES

SUMMARY

Part 3: Sentencing and punishment of offenders

Chapter 4: Release on licence etc.

43. Chapter 4 makes amendments to the 1991 Act provisions about the release and recall of prisoners. As amended by this Chapter, the 1991 Act will apply to all sentences to be imposed for offences whenever they were committed and whenever the sentence was passed. Schedules 16 and 17 insert Schedules 20A and 20B into the 1991 Act and save the release and licence provisions for offences committed before 4 April 2005 where such provisions differ from those in Chapter 6 of Part 12 of the 1991 Act. Further amendments to the 1991 Act will:
- make the crediting of remand time an administrative function (rather than dependent on a direction of the court);
 - simplify the calculation of crediting periods of remand on bail;
 - provide for the unconditional release of prisoners serving sentences of less than 12 months at the half-way point of sentence;
 - provide for additional restrictions for early release on Home Detention Curfew (“HDC”);
 - make provision for a revocation of a licence to be cancelled where a mistake was made;
 - remove some of the restrictions on the use of recalls subject to automatic release;
 - allow for the executive release of recalled extended sentence prisoners (subject to a risk test);
 - make it clear that, where a prisoner is released on HDC before their automatic release date, a recall under section 254 during the HDC period will override automatic release when that date arrives, so that prisoners who have been recalled for misbehaviour may be detained beyond that date;
 - prevent prisoners recalled during their HDC period being re-released prior to their automatic release date unless satisfactory arrangements for further HDC electronic monitoring can be put in place;
 - provide for supervision of young adult prisoners on release from sentences of less than 12 months; and
 - allow for foreign national prisoners serving indeterminate sentences to be removed from the United Kingdom when the tariff set by the court expires.