Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)
SCHEDULE 20 – Release of new extended sentence prisoners: consequential amendments of Chapter
6 of Part 12 of the Criminal Justice Act 2003
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S C H E D U L E S

SCHEDULE 20   Section 125

RELEASE OF NEW EXTENDED SENTENCE PRISONERS: CONSEQUENTIAL
AMENDMENTS OF CHAPTER 6 OF PART 12 OF THE CRIMINAL JUSTICE ACT 2003

1   Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release and recall) (as amended by Chapter 4 of Part 3 of this Act) is amended as follows.

2   (1) Section 237 (meaning of "fixed-term prisoner" etc) is amended as follows.

         (2) In subsection (1)(b), before "227" insert "226A, 226B,".

         (3) In subsection (3), before "227" insert "226A or".

3   In section 238 (power of court to recommend licence conditions), in subsection (4), for "228" substitute "226B".

4   In section 240ZA (time remanded in custody to count as time served), in subsection (11), before "227" insert "226A, 226B,".

5   (1) Section 246 (power to release prisoners on licence) is amended as follows.

         (2) In subsection (4)(a), after "section" insert "226A,".

         (3) In subsection (6), in the definition of "term of imprisonment", before "227" insert "226A, 226B,".

6   (1) Section 250 (licence conditions) is amended as follows.

         (2) In subsection (4)—
              (a)   before the first "227" insert "226A or", and
              (b)   before the second "227" insert "226A, 226B,".

         (3) After subsection (5) insert—

              "(5A) In respect of a prisoner serving an extended sentence imposed under section 226A or 226B whose release is directed by the Board under section 246A(5), a licence under—
                   (a)   section 246A(5) (initial release), or
                   (b)   section 255C (release after recall),
              may not include conditions referred to in subsection (4)(b)(ii) unless the Board directs the Secretary of State to include them."

7   In section 255A (further release after recall), in subsection (7)(a) (meaning of "extended sentence prisoner"), after "section" insert "226A, 226B,".

8   In section 258 (early release of fine defaulters and contemnors), in subsection (3A), before "227" insert "226A, 226B,".

9   (1) Section 260 (early removal of prisoners liable to removal from UK) is amended as follows.

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(2) After subsection (2) insert—

"(2A) If a fixed-term prisoner serving an extended sentence imposed under section 226A or 226B—

    (a) is liable to removal from the United Kingdom, and

    (b) has not been removed from prison under this section during the period mentioned in subsection (1),

the Secretary of State may remove the prisoner from prison under this section at any time after the end of that period.

(2B) Subsection (2A) applies whether or not the Board has directed the prisoner's release under section 246A."

(3) In subsection (5), after "244" (but before ", 247") insert ", 246A".

(4) In subsection (7), before paragraph (a) insert—

    "(za) in relation to a prisoner serving an extended sentence imposed under section 226A or 226B, has the meaning given by paragraph (a) or (b) of the definition in section 246A(8);".

10   (1) Section 261 (re-entry to UK of offender removed early) is amended as follows.

(2) In subsection (5)(b), for "or 244" substitute ", 244 or 246A".

(3) In subsection (6), in the definition of "requisite custodial period", before paragraph (a) insert—

    "(za) in relation to a prisoner serving an extended sentence imposed under section 226A or 226B, has the meaning given by paragraph (a) or (b) of the definition in section 246A(8);".

11   In section 263 (concurrent terms), in subsection (4), before "227" insert "226A, 226B,".

12   (1) Section 264 (consecutive terms) is amended as follows.

(2) In subsection (6)(a) (definition of "custodial period"), before sub-paragraph (i) insert—

    "(zi) in relation to an extended sentence imposed under section 226A or 226B, means two-thirds of the appropriate custodial term determined by the court under that section,".

(3) In subsection (7), before "227" insert "226A, 226B,".

13   In section 265 (restriction on consecutive sentences for released prisoners), in subsection (2), before "227" insert "226A, 226B,".