



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 4

RELEASE ON LICENCE ETC

Other provisions about release

116 Miscellaneous amendments relating to release and recall

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) Omit section 248(2) (Secretary of State to consult Board before releasing extended sentence prisoner on compassionate grounds).
- (3) In section 256(1) (review by the Board)—
 - (a) for “recommend” substitute “direct”;
 - (b) for “recommendation” substitute “direction”.
- (4) In section 256A (further review)—
 - (a) in subsection (4)(a), for “recommending” substitute “directing”;
 - (b) in subsection (4)(c), for “recommendation” substitute “direction”;
 - (c) in subsection (5), for “recommendation” (in both places) substitute “direction”.
- (5) In section 260(5) (duties and powers remaining exercisable in relation to persons removed from prison), after “244” insert “, 247”.

Status: This is the original version (as it was originally enacted).

- (6) In section 261(5) (re-entry to UK of offender removed early: re-release), after “sentence expiry date,” insert “—
- (a) if the person is serving an extended sentence imposed under section 227 or 228, section 247 has effect in relation to that person as if the reference to one-half of the appropriate custodial term were a reference to the further custodial period;
 - (b) in any other case,”.
- (7) In section 261(6) (re-entry to UK of offender removed early: definitions), in the definition of “requisite custodial period”, after the words “requisite custodial period” insert “—
- (a) in relation to a prisoner serving an extended sentence imposed under section 227 or 228, means one-half of the appropriate custodial term (determined by the court under that section);
 - (b) in any other case,”.
- (8) In section 263(2)(b) (concurrent terms: authority to release), for “section 244” substitute “section 246”.
- (9) In section 263(2)(c) (concurrent terms: licence period), for the words “for so long, and subject to such conditions, as is” substitute “—
- (i) until the last date on which the offender is required to be on licence in respect of any of the terms, and
 - (ii) subject to such conditions as are”.