

# CRIMINAL JUSTICE AND COURTS ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1 – Criminal Justice

#### Release and recall of prisoners

#### *Section 13: Offence of remaining unlawfully at large after temporary release*

192. *Section 13* provides for an increase in the maximum sentence for the offence of remaining unlawfully at large after a period of temporary release on licence and makes it an offence which can be tried in either the magistrates' court or Crown Court (an "either way" offence).
193. The section amends section 1 of the Prisoners (Return to Custody) Act 1995. *Subsection (2)* provides that the maximum penalties that can be imposed by (a) the Crown Court and (b) the magistrates' court to 2 years and 12 months respectively.
194. *Subsection (3)* provides that until section 154(1) of the Criminal Justice Act 2003 is commenced the maximum penalty which can be imposed by a magistrates' court is 6 months.
195. It also provides that until section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is commenced the maximum fine which can be imposed by a magistrates' court is a fine not exceeding the statutory maximum (currently £5,000).
196. *Subsection (4)* provides that the increased maximum penalties will not apply to those whose period of temporary release on licence had expired, or whose order of recall was made, before commencement.