



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 7

SENTENCING AND RELEASE

CHAPTER 1

CUSTODIAL SENTENCES

Release on licence

130 Increase in requisite custodial period for certain violent or sexual offenders

- (1) The Criminal Justice Act 2003 is amended in accordance with subsections (2) to (8).
- (2) In section 244 (general duty to release prisoners)—
 - (a) in the heading, at the end insert “not subject to special provision for release”;
 - (b) in subsection (1), after “243A,” insert “[244ZA](#),”.
- (3) After section 244 insert—

“[244ZA](#) Release on licence of certain violent or sexual offenders

- (1) As soon as a fixed-term prisoner to whom this section applies has served the requisite custodial period for the purposes of this section, it is the duty of the Secretary of State to release the prisoner on licence under this section.
- (2) This section applies to a prisoner who—
 - (a) is serving a fixed-term sentence within subsection (4), (5) or (6),
 - (b) is not a prisoner to whom section 244A, 246A or 247A applies, and

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- (c) has not been released on licence (provision for the release of persons recalled under section 254 being made by sections 255B and 255C).
- (3) Subsection (1) does not apply if—
- (a) the prisoner’s case has been referred to the Board under section 244ZB, or
 - (b) a notice given to the prisoner under subsection (4) of that section is in force.
- (4) A fixed-term sentence is within this subsection if it—
- (a) is a sentence of—
 - (i) imprisonment, or
 - (ii) detention under section 96 of the PCC(S)A 2000 or section 262 of the Sentencing Code,
 - (b) is for a term of 7 years or more,
 - (c) was imposed on or after 1 April 2020, and
 - (d) was imposed in respect of an offence—
 - (i) that is specified in Part 1 or 2 of Schedule 15, and
 - (ii) for which a sentence of life imprisonment could have been imposed (in the case of an offender aged 21 or over) at the time when the actual sentence was imposed.
- (5) A fixed-term sentence is within this subsection if it—
- (a) is a sentence of imprisonment or a sentence of detention under section 262 of the Sentencing Code,
 - (b) is for a term of at least 4 years but less than 7 years,
 - (c) was imposed on or after the day on which section 130 of the Police, Crime, Sentencing and Courts Act 2022 came into force, and
 - (d) was imposed in respect of an offence within subsection (7).
- (6) A fixed-term sentence is within this subsection if it—
- (a) is a sentence of detention under section 250 of the Sentencing Code,
 - (b) is for a term of 7 years or more,
 - (c) was imposed on or after the day on which section 130 of the Police, Crime, Sentencing and Courts Act 2022 came into force, and
 - (d) was imposed in respect of an offence within subsection (7).
- (7) An offence is within this subsection if—
- (a) it is specified in any of the following paragraphs of Part 1 of Schedule 15—
 - (i) paragraph 1 (manslaughter);
 - (ii) paragraph 4 (soliciting murder);
 - (iii) paragraph 6 (wounding with intent to cause grievous bodily harm);
 - (iv) paragraph 64 (ancillary offences), so far as it relates to an offence listed in paragraph 1, 4 or 6;
 - (v) paragraph 65 (inchoate offences in relation to murder), or
 - (b) it is an offence—
 - (i) that is specified in Part 2 of that Schedule (sexual offences), and

- (ii) for which a sentence of life imprisonment could have been imposed (in the case of an offender aged 21 or over) at the time when the actual sentence was imposed.
- (8) For the purposes of this section “the requisite custodial period” means—
- (a) in relation to a prisoner serving one sentence, two-thirds of the prisoner’s sentence, and
 - (b) in relation to a prisoner serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2B) or (2E).”
- (4) In section 260(5) (powers and duties of Secretary of State that continue to apply to prisoner removed from prison pending deportation), after “244,” insert “244ZA,”.
- (5) In section 261(5)(b) (application of release provisions to returning deported prisoner), after “244,” insert “244ZA,”.
- (6) In section 264(6) (consecutive terms of imprisonment: meaning of custodial period), after paragraph (ca) (inserted by section 131) (but before the final “and”), insert—
- “(cb) in relation to a sentence in respect of which section 244ZA applies to the offender, two-thirds of the sentence,”.
- (7) In section 268(1A) (meaning of “requisite custodial period” in Chapter 6 of Part 12), in paragraph (d), for “or section 244” substitute “, 244 or 244ZA”.
- (8) In Schedule 15 (specified offences for certain purposes to do with release of offenders) —
- (a) in the heading, for “section” substitute “sections 244ZA and”;
 - (b) in the shoulder reference, for “Section” substitute “Sections 244ZA and”.
- (9) The Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020 (S.I. 2020/158) is revoked.

131 Increase in requisite custodial period for certain other offenders of particular concern

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 244A(6) (release on licence of prisoners serving sentence under section 278 of the Sentencing Code etc: interpretation), in the definition of “the requisite custodial period”—
- (a) in paragraph (a), after “one sentence” insert “imposed before the day on which section 131 of the Police, Crime, Sentencing and Courts Act 2022 came into force”;
 - (b) after that paragraph (but before the final “and”) insert—
- “(aa) in relation to a person serving one sentence imposed on or after that day, two-thirds of the appropriate custodial term,”.
- (3) In section 264(6) (consecutive terms of imprisonment: meaning of custodial period)—
- (a) in paragraph (c), after “Code” insert “before the day on which section 131 of the Police, Crime, Sentencing and Courts Act 2022 came into force”;
 - (b) after that paragraph (but before the final “and”) insert—
- “(ca) in relation to a sentence imposed under section 265 or 278 of the Sentencing Code on or after the day on which

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section 131 of the Police, Crime, Sentencing and Courts Act 2022 came into force, two-thirds of the appropriate custodial term determined by the court under that section.”.

132 Power to refer high-risk offenders to Parole Board in place of automatic release

- (1) The Criminal Justice Act 2003 is amended in accordance with subsections (2) to (10).
- (2) In section 243A (release of prisoners serving sentences of less than 12 months), after subsection (2) insert—
 - “(2A) Subsection (2) does not apply if—
 - (a) the prisoner’s case has been referred to the Board under section 244ZB, or
 - (b) a notice given to the prisoner under subsection (4) of that section is in force.”
- (3) In section 244 (general duty to release prisoners), after subsection (1) insert—
 - “(1ZA) Subsection (1) does not apply if—
 - (a) the prisoner’s case has been referred to the Board under section 244ZB, or
 - (b) a notice given to the prisoner under subsection (4) of that section is in force.”
- (4) After section 244 insert—

“244ZB Referral of high-risk offenders to Parole Board in place of automatic release

- (1) This section applies to a prisoner who—
 - (a) would (but for anything done under this section and ignoring any possibility of release under section 246 or 248) be, or become, entitled to be released on licence under section 243A(2), 244(1) or 244ZA(1), and
 - (b) is (or will be) aged 18 or over on the first day on which the prisoner would be so entitled.
- (2) For the purposes of this section, the Secretary of State is of the requisite opinion if the Secretary of State believes on reasonable grounds that the prisoner would, if released, pose a significant risk to members of the public of serious harm occasioned by the commission of any of the following offences—
 - (a) murder;
 - (b) specified offences, within the meaning of section 306 of the Sentencing Code.
- (3) If the Secretary of State is of the requisite opinion, the Secretary of State may refer the prisoner’s case to the Board.
- (4) Before referring the prisoner’s case to the Board, the Secretary of State must notify the prisoner in writing of the Secretary of State’s intention to do so (and the reference may be made only if the notice is in force).

- (5) A notice given under subsection (4) must take effect before the prisoner becomes entitled as mentioned in subsection (1)(a).
- (6) A notice given under subsection (4) must explain—
- (a) the effect of the notice (including its effect under section 243A(2A), 244(1ZA) or 244ZA(3)),
 - (b) why the Secretary of State is of the requisite opinion, and
 - (c) the prisoner’s right to make representations (see subsection (12)).
- (7) A notice given under subsection (4)—
- (a) takes effect at whichever is the earlier of—
 - (i) the time when it is received by the prisoner, and
 - (ii) the time when it would ordinarily be received by the prisoner, and
 - (b) remains in force until—
 - (i) the Secretary of State refers the prisoner’s case to the Board under this section, or
 - (ii) the notice is revoked.
- (8) The Secretary of State—
- (a) may revoke a notice given under subsection (4), and
 - (b) must do so if the Secretary of State is no longer of the requisite opinion.
- (9) If a notice given under subsection (4) is in force and the prisoner would but for the notice have become entitled as mentioned in subsection (1)(a)—
- (a) the prisoner may apply to the High Court on the ground that the prisoner’s release has been delayed by the notice for longer than is reasonably necessary in order for the Secretary of State to complete the referral of the prisoner’s case to the Board, and
 - (b) the High Court, if satisfied that that ground is made out, must by order revoke the notice.
- (10) At any time before the Board disposes of a reference under this section, the Secretary of State—
- (a) may rescind the reference, and
 - (b) must do so if the Secretary of State is no longer of the requisite opinion.
- (11) If the reference is rescinded, the prisoner is no longer to be treated as one whose case has been referred to the Board under this section (but this does not have the effect of reviving the notice under subsection (4)).
- (12) The prisoner may make representations to the Secretary of State about the referral, or proposed referral, of the prisoner’s case at any time after being notified under subsection (4) and before the Board disposes of any ensuing reference under this section.

But the Secretary of State is not required to delay the referral of the prisoner’s case in order to give an opportunity for such representations to be made.

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244ZC Proceedings following reference under section 244ZB

- (1) This section applies to a prisoner whose case has been referred to the Parole Board under section 244ZB.
- (2) If, in disposing of that reference or any subsequent reference of the prisoner's case to the Board under this subsection, the Board does not direct the prisoner's release, it is the duty of the Secretary of State to refer the prisoner's case to the Board again no later than the first anniversary of the disposal.
- (3) It is the duty of the Secretary of State to release the prisoner on licence as soon as—
 - (a) the prisoner has served the requisite custodial period, and
 - (b) the Board has directed the release of the prisoner under this section.
- (4) The Board must not give a direction under subsection (3) in disposing of the reference under section 244ZB unless the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (5) The Board must not subsequently give a direction under subsection (3) unless—
 - (a) the Secretary of State has referred the prisoner's case to the Board under subsection (2), and
 - (b) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (6) For the purposes of this section, the “requisite custodial period” means the period ending with the day on which the prisoner would have become entitled as mentioned in section 244ZB(1)(a).”
- (5) In section 246(4) (exceptions from power to release early subject to curfew), after paragraph (f) insert—
 - “(fa) the prisoner's case has been referred to the Board under section 244ZB,
 - (fb) a notice given to the prisoner under subsection (4) of that section is in force.”.
- (6) In section 255A(2) (duty to consider suitability for automatic release following recall of certain prisoners) (as amended by the Counter-Terrorism and Sentencing Act 2021), for “or a serious terrorism prisoner” substitute “, a serious terrorism prisoner or a prisoner whose case was referred to the Board under section 244ZB”.
- (7) In section 255C(1) (prisoners whose release after recall is not automatic), for the words from “who” to the end substitute “—
 - (a) whose suitability for automatic release does not have to be considered under section 255A(2), or
 - (b) who is not considered suitable for automatic release.”
- (8) In section 260(5) (powers and duties of Secretary of State that continue to apply to prisoner removed from prison pending deportation), after “244,” insert “244ZB,”.
- (9) In section 261(5)(b) (application of release provisions to returning deported prisoner), after “244,” insert “244ZC,”.

(10) In section 268(1A) (meaning of “requisite custodial period” in Chapter 6 of Part 12), after paragraph (c) insert—

“(ca) in relation to a prisoner whose case has been referred to the Parole Board under section 244ZB, the requisite custodial period for the purposes of section 244ZC;”.

(11) In Schedule 1 to the Crime (Sentences) Act 1997—

(a) in paragraph 8(2)(a) (provisions relating to release continuing to apply to prisoner transferred from England and Wales to Scotland), for “, 244,” substitute “to”;

(b) in paragraph 9(2)(a) (provisions relating to release continuing to apply to prisoner transferred from England and Wales to Northern Ireland), for “, 244,” substitute “to”.

(12) In section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to alter test for release on licence at direction of Parole Board)—

(a) in subsection (2), after paragraph (b) insert—

“(bza) a prisoner whose case has been referred to the Parole Board under section 244ZB of the Criminal Justice Act 2003 (power to refer to Parole Board in place of automatic release);”;

(b) in subsection (3), before paragraph (ab) insert—

“(aaa) amend section 244ZC of the Criminal Justice Act 2003 (proceedings following reference under section 244ZB of that Act);”.

133 Power to make provision for reconsideration and setting aside of Parole Board decisions

In section 239 of the Criminal Justice Act 2003 (the Parole Board), after subsection (5) insert—

“(5A) Rules under subsection (5) may, in particular, make provision—

(a) requiring or permitting the Board to make provisional decisions;

(b) about the circumstances—

(i) in which the Board must or may reconsider such decisions;

(ii) in which such decisions become final;

(c) conferring power on the Board to set aside a decision or direction that is within subsection (5B),

and any such provision may relate to cases referred to the Board under this Chapter or under Chapter 2 of Part 2 of the 1997 Act.

(5B) The following are within this subsection—

(a) a direction given by the Board for, or a decision made by it not to direct, the release of a prisoner which the Board determines it would not have given or made but for an error of law or fact, or

(b) a direction given by the Board for the release of a prisoner which the Board determines it would not have given if—

(i) information that was not available to the Board when the direction was given had been so available, or

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(ii) a change in circumstances relating to the prisoner that occurred after the direction was given had occurred before it was given.

(5C) Provision made by virtue of subsection (5A)(c)—

- (a) may not confer power on the Board to set aside a direction for the release of a prisoner at any time when the prisoner has already been released pursuant to that direction, but
- (b) may make provision for the suspension of any requirement under this Chapter or under Chapter 2 of Part 2 of the 1997 Act for the Secretary of State to give effect to a direction of the Board to release a prisoner, pending consideration by the Board as to whether to set it aside.”

134 Responsibility for setting licence conditions for fixed-term prisoners

(1) Section 250 of the Criminal Justice Act 2003 (licence conditions for fixed-term prisoners) is amended in accordance with subsections (2) and (3).

(2) For subsections (5A) to (5B) substitute—

“(5A) The Secretary of State must not—

- (a) include a condition referred to in subsection (4)(b)(ii) in a licence within subsection (5B), either on release or subsequently, or
- (b) vary or cancel any such condition included in such a licence, unless the Board directs the Secretary of State to do so (and must, if the Board so directs, include, vary or cancel such a condition).

(5B) A licence is within this subsection if it is granted to a relevant prisoner—

- (a) on their initial release in a case where that release is at the direction of the Board, or
- (b) on their release after recall to prison in a case where that release is at the direction of the Board (see sections 255B(5), 255C(5) and 256A(5)).

(5C) In subsection (5B), “relevant prisoner” means a prisoner to whom section 244ZC, 244A, 246A, 247 or 247A applies (or applied) for the purposes of their initial release.”

(3) Omit subsection (9).

(4) Subsection (5) applies to any condition of a licence that is in force immediately before commencement if—

- (a) the inclusion of the condition required a direction of the Board, but
- (b) no such direction was given.

(5) The condition is to be treated, for the purposes of any time after commencement, as it if was included in the licence at the direction of the Board.

(6) Nothing in this section except subsection (5) affects the validity of any condition included in a licence before commencement.

(7) In this section—

“the Board” means the Parole Board;

“commencement” means the coming into force of this section;

“licence” means a licence under Chapter 6 of Part 12 of the Criminal Justice Act 2003.

135 Repeal of uncommenced provision for establishment of recall adjudicators

In the Criminal Justice and Courts Act 2015, omit the following (which make provision for recall adjudicators that has not been commenced)—

- (a) sections 8 to 10, and
- (b) Schedule 3.

136 Release at direction of Parole Board after recall: fixed-term prisoners

(1) The Criminal Justice Act 2003 is amended as follows.

(2) In section 255B (automatic release), after subsection (4) insert—

“(4A) The Board must not give a direction for P’s release on a reference under subsection (4) unless the Board is satisfied that it is not necessary for the protection of the public that P should remain in prison until the end of the period mentioned in subsection (1)(b).”

(3) In section 255C (fixed-term prisoners not suitable for automatic release), after subsection (4) insert—

“(4A) The Board must not give a direction for P’s release on a reference under subsection (4) unless the Board is satisfied that it is not necessary for the protection of the public that P should remain in prison.”

(4) Omit section 256 (power of Board to fix date for future release).

(5) In section 256A (further review)—

(a) for subsection (1) substitute—

“(1) This section applies to a person if—

- (a) there has been a previous reference of the person’s case to the Board under section 255C(4) or this section, and
- (b) the person has not been released.

(1A) The Secretary of State must refer the person’s case back to the Board not later than the first anniversary of the most recent determination by the Board not to release the person (the “review date”).

(1B) Subsection (1A) does not apply where the review date is 13 months or less before the date on which the person is required to be released by the Secretary of State.”;

- (b) in subsection (2), for “that anniversary” substitute “the review date”;
- (c) in subsection (3), for “a person’s” substitute “the person’s”;
- (d) for subsections (4) and (5) substitute—

“(4) The Board must not give a direction for a person’s release on a reference under subsection (1A) or (2) unless the Board is satisfied that it is not necessary for the protection of the public that the person should remain in prison.

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(5) Where on a reference under subsection (1A) or (2) the Board directs a person’s release on licence under this Chapter, the Secretary of State must give effect to the direction.”

(6) After section 256A insert—

“256AZA Release after recall where further sentence being served

- (1) This section applies where a person (“the offender”) is serving two or more terms of imprisonment.
- (2) Nothing in sections 255A to 256A requires the Secretary of State to release the offender in respect of any of the terms unless and until the Secretary of State is required to release the offender in respect of each of the others.
- (3) Nothing in sections 255A to 256A requires the Secretary of State to refer the offender’s case to the Board in respect of any of the terms unless and until the Secretary of State is required either—
 - (a) to refer the offender’s case to the Board, or
 - (b) to release the offender,
 in respect of each of the others.
- (4) If the offender is released on licence under section 255B, 255C or 256A, the offender is to be on licence—
 - (a) until the last date on which the offender is required to be on licence in respect of any of the terms, and
 - (b) subject to such conditions as are required by this Chapter in respect of any of the sentences.
- (5) This section applies to a determinate sentence of detention under any of the following provisions as it applies to a term of imprisonment—
 - (a) section 91 or 96 of the PCC(S)A 2000;
 - (b) section 250, 252A, 254, 262, 265, 266 or 268A of the Sentencing Code;
 - (c) section 226A, 226B, 227, 228 or 236A of this Act.”
- (7) In Schedule 20A (application of Chapter 6 of Part 12 of the 2003 Act to pre-4 April 2005 cases), omit paragraph 6(5) (certain determinations to be treated as made under section 256(1)).

137 Power to change test for release of fixed-term prisoners following recall

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) After section 256AZA insert—

“256AZB Power to change test for release following recall

- (1) The Secretary of State may by order change—
 - (a) the test to be applied by the Secretary of State in deciding under section 255A whether a person is suitable for automatic release;

- (b) the test to be applied by the Secretary of State in deciding whether to release a person under section 255B(2) or 255C(2);
 - (c) the test to be applied by the Board in deciding whether to give a direction for a person’s release when determining a reference under section 255B(4), 255C(4) or 256A(1A) or (2).
- (2) An order under subsection (1) may in particular—
- (a) apply to a person recalled before the day on which the order comes into force (as well as to a person recalled on or after that day);
 - (b) amend this Chapter.”
- (3) In section 330(5)(a) (orders subject to affirmative procedure), at the appropriate place insert—
- “section 256AZB.”

138 Imprisonment for public protection etc: duty to refer person released on licence to Parole Board

- (1) Section 31A of the Crime (Sentences) Act 1997 (imprisonment or detention for public protection: termination of licences) is amended in accordance with subsections (2) to (6).
- (2) In subsection (2)(a), after “Chapter” insert “(whether or not the prisoner has subsequently been recalled to prison under section 32)”.
- (3) For subsection (3) substitute—
- “(3) Where—
- (a) the prisoner has been released on licence under this Chapter (whether or not the prisoner has subsequently been recalled to prison under section 32);
 - (b) the qualifying period has expired; and
 - (c) if the Secretary of State has made a previous reference of the prisoner’s case under this subsection, the period of twelve months beginning with the day of the disposal of that reference has expired,
- the Secretary of State must refer the prisoner’s case to the Parole Board under this subsection.”
- (4) In subsection (4)—
- (a) in the words before paragraph (a), for “an application” substitute “a reference”, and
 - (b) in paragraph (b), for “application” substitute “reference”.
- (5) After subsection (4) insert—
- “(4A) A reference under subsection (3) must be made, and a reference under that subsection must be determined by the Parole Board under subsection (4), even if at the time of the reference or determination the prisoner is in prison having been recalled under section 32.
- (4B) If at the time of the determination the prisoner is in prison having been recalled under section 32—
- (a) subsection (2) does not apply, and

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- (b) subsection (4)(a) has effect as if it required the Parole Board—
 - (i) to determine whether it is satisfied that it is not necessary for the protection of the public for the prisoner, when released, to be released on licence in respect of the preventative sentence or sentences, and
 - (ii) if it is so satisfied, to direct the Secretary of State accordingly.
- (4C) Where the Parole Board gives a direction under subsection (4B)(b)(ii)—
 - (a) if at any time the Board directs the prisoner’s release under section 28, that section has effect in relation to the prisoner as if, in subsection (5), for “to release him on licence” there were substituted “to release the prisoner unconditionally”, and
 - (b) if at any time the Board directs the prisoner’s release under section 32, that section has effect in relation to the prisoner as if, in subsection (5), for “immediate release on licence” there were substituted “immediate unconditional release”.
- (6) In subsection (5), in the definition of “the qualifying period”, after “on licence” insert “(whether or not the prisoner has subsequently been recalled to prison under section 32)”.
- (7) Subsection (8) applies to an application made by a person under section 31A(3) of the Crime (Sentences) Act 1997 before this section comes into force.
- (8) If the application has not been determined when this section comes into force, subsections (4) to (4C) of section 31A of the Crime (Sentences) Act 1997 apply in relation to it as if it were a reference of the person’s case by the Secretary of State to the Parole Board under subsection (3) of that section.
- (9) Subsection (10) applies if a person remains on licence under Chapter 2 of Part 2 of the Crime (Sentences) Act 1997, or remains subject to release on licence under that Chapter, following—
 - (a) the disposal before this section comes into force of the person’s application to the Parole Board under section 31A(3) of that Act, or
 - (b) the disposal under subsection (4) of section 31A of that Act, as it has effect by virtue of subsection (8) of this section, of the person’s application to the Parole Board under subsection (3) of that section.
- (10) Subsection (3) of section 31A of the Crime (Sentences) Act 1997 applies in relation to the person as if the application had been a reference of the person’s case by the Secretary of State to the Parole Board under that subsection.

139 Release at direction of Parole Board: timing

- (1) In the Crime (Sentences) Act 1997—
 - (a) in section 32(5) (duty to release life prisoner after recall), omit “immediate”;
 - (b) after section 32ZA insert—

“Release at the direction of Parole Board

32ZB Release at direction of Parole Board: timing

- (1) This section applies where the Parole Board directs the release of a life prisoner under section 28 or 32.
 - (2) The Secretary of State must give effect to the direction of the Parole Board as soon as is reasonably practicable in all the circumstances including, in particular, the need to make arrangements in connection with any conditions that are to be included in the life prisoner’s licence under this Chapter.
 - (3) The duty under subsection (2) is subject to provision made pursuant to section 239(5C)(b) of the Criminal Justice Act 2003 (provision in Parole Board rules in relation to setting aside of release directions).”
- (2) In the Criminal Justice Act 2003—
- (a) in section 255B(5) (automatic release after recall), omit “immediate”;
 - (b) in section 255C(5) (release after recall of fixed-term prisoner not suitable for automatic release), omit “immediate”;
 - (c) after section 256AZB insert—

“Release at the direction of the Board

256AZC Release at direction of Parole Board: timing

- (1) This section applies where the Board directs the release of a person on licence under this Chapter.
- (2) The Secretary of State must give effect to the direction of the Parole Board as soon as is reasonably practicable in all the circumstances including, in particular, the need to make arrangements in connection with any conditions that are to be included in the person’s licence under this Chapter.
- (3) The duty under subsection (2) is subject to provision made pursuant to section 239(5C)(b).”