



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

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- (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.

Commencement Information

- II** S. 130 in force at 28.6.2022, see s. 208(5)(m)

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