



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 7

#### SENTENCING AND RELEASE

#### CHAPTER 1

##### CUSTODIAL SENTENCES

##### *Release on licence*

### **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—

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 133. (See end of Document for details)

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- (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
    - (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.”

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**Commencement Information**

- I1** S. 133 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 133](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(o\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 133.