



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 7

#### SENTENCING AND RELEASE

### CHAPTER 1

#### CUSTODIAL SENTENCES

#### *Release on licence*

#### **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

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*Status: This is the original version (as it was originally enacted).*

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- (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.