



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 7

#### SENTENCING AND RELEASE

#### CHAPTER 1

##### CUSTODIAL SENTENCES

##### *Release on licence*

#### **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—

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 137. (See end of Document for details)

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- (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,”.

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#### Commencement Information

- I1** S. 137 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 137\(1\)\(2\)](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(o\)](#)
- I3** [S. 137\(3\)](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(p\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 137.