



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 7

SENTENCING AND RELEASE

CHAPTER 1

CUSTODIAL SENTENCES

Minor amendments

144 Calculation of period before release or Parole Board referral where multiple sentences being served

- (1) In the Crime (Sentences) Act 1997—
- (a) in section 28(7) (time of Parole Board referral), omit paragraph (c) (and the “and” immediately before it);
 - (b) before section 34 insert—

“33A Life prisoners also serving fixed-term sentence

- (1) This section applies where a life prisoner is also serving one or more sentences by virtue of which the fixed-term provisions apply to the offender.
- (2) Nothing in this Chapter requires the Secretary of State to release the prisoner unless the Secretary of State is also required by the fixed-term provisions to release the prisoner.

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 144. (See end of Document for details)

- (3) Nothing in this Chapter requires the Secretary of State to refer the prisoner's case to the Parole Board unless the Secretary of State is also required by the fixed-term provisions to—
 - (a) refer the prisoner's case to the Board, or
 - (b) release the prisoner.
- (4) Subsection (3) does not apply to a reference by the Secretary of State under section 31A(3).
- (5) The fact that the prisoner is serving a life sentence is to be ignored in determining, for the purposes of subsections (2) and (3), what the fixed-term provisions require.
- (6) In this section “the fixed-term provisions” means Chapter 6 of Part 12 of the Criminal Justice Act 2003.”;
 - (c) in section 34 (interpretation), omit subsection (4).
- (2) The Criminal Justice Act 2003 is amended in accordance with subsections (3) to (11).
- (3) In section 243A(3) (requisite custodial period before release in short sentence), for “264(2)” substitute “264(2B) or (2E)”.
- (4) In section 244(3)(d) (usual requisite custodial period before release), for “264(2)” substitute “264(2B) or (2E)”.
- (5) In section 244A(6) (periods before release or referral in sentences for offenders of particular concern), in paragraph (b) of the definition of “requisite custodial period”, for “264(2)” substitute “264(2D)”.
- (6) In section 246A(8) (periods before release or referral in extended sentences), in paragraph (b) of the definition of “requisite custodial period”, for “264(2)” substitute “264(2B), (2D) or (2E)”.
- (7) In section 247(7) (periods before release in old extended sentences), in paragraph (b) of the definition of “requisite custodial period”, for “264(2)” substitute “264(2B) or (2E)”.
- (8) In section 247A(8) (release of terrorist prisoners: definitions), in paragraph (c) of the definition of “requisite custodial period”, for “264(2)” substitute “264(2B), (2D) or (2E)”.
- (9) In section 263 (release in case of concurrent sentences), in subsection (2), after paragraph (a) insert—
 - “(aza) nothing in this Chapter 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—
 - (i) to refer the offender's case to the Board, or
 - (ii) to release the offender,
 in respect of each of the others.”.
- (10) In section 264 (release in case of consecutive sentences)—
 - (a) for subsection (2) substitute—
 - “(2A) Subsection (2B) applies if each of the terms of imprisonment is subject to initial automatic release.

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- (2B) Nothing in this Chapter requires the Secretary of State to release the offender until the offender has served a period equal to the aggregate of the length of the minimum custodial periods in each of the terms.
- (2C) Subsections (2D) and (2E) apply if at least one of the terms of imprisonment is subject to initial Parole Board referral.
- (2D) Nothing in this Chapter requires the Secretary of State to refer the offender's case to the Board until the offender has served a period equal to the aggregate length of the minimum custodial periods in each of the terms.
- (2E) Nothing in this Chapter requires the Secretary of State to release the offender until—
 - (a) the Board has directed the release of the offender, or
 - (b) the offender has served a period equal to the aggregate length of—
 - (i) the minimum custodial periods in each of the terms (if any) that is subject to initial automatic release, and
 - (ii) the maximum custodial periods in each of the terms that is subject to initial Parole Board referral.
- (2F) For the purposes of subsections (2A) to (2E)—
 - (a) a term of imprisonment is “subject to initial automatic release” if it is a sentence in respect of which—
 - (i) section 243A(1), 244(1), 244ZA(1), 246A(2) or 247 applies to the offender, or
 - (ii) section 247A applies, but subsections (3) to (5) of that section do not apply, to the offender;
 - (b) a term of imprisonment is “subject to initial Parole Board referral” if it is a sentence in respect of which—
 - (i) section 244ZC, 244A, 246A(3) to (7) or 247A(3) to (5) applies to the offender, or
 - (ii) a notice under section 244ZB(4) is in force.”;
 - (b) in subsections (6) and (6A), in the words before paragraph (a), before “custodial” insert “minimum”;
 - (c) after subsection (6A) insert—
 - “(6B) In this section “maximum custodial period” means—
 - (a) in relation to a sentence imposed under section 226A, 226B, 227, 228 or 236A of this Act or section 252A, 254, 265, 266, 278 or 279 of the Sentencing Code, the “appropriate custodial term” determined by the court under that section;
 - (b) in relation to any other sentence, the term of the sentence.”
- (11) After section 267B insert—

“267C Fixed-term prisoners also serving life sentence

- (1) This section applies where a fixed-term prisoner is also serving one or more sentences by virtue of which the life sentence provisions apply to the offender.

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- (2) Nothing in this Chapter requires the Secretary of State to release the prisoner unless the Secretary of State is also required by the life sentence provisions to release the prisoner.
 - (3) Nothing in this Chapter requires the Secretary of State to refer the prisoner's case to the Board unless the Secretary of State is also required by the life sentence provisions to—
 - (a) refer the prisoner's case to the Board, or
 - (b) release the prisoner.
 - (4) The reference in subsection (3)(a) to a requirement of the Secretary of State to refer a prisoner's case to the Board does not include a requirement to do so under section 31A(3) of the 1997 Act.
 - (5) The fact that the prisoner is also serving a fixed-term sentence is to be ignored in determining, for the purposes of subsections (2) and (3), what the life sentence provisions require.
 - (6) In this section “the life sentence provisions” means Chapter 2 of Part 2 of the 1997 Act.”
- (12) In section 11 of the Criminal Justice and Courts Act 2015 (release on licence of life prisoners), omit subsections (1) and (4).

Commencement Information

II S. 144 in force at 28.6.2022, see s. 208(5)(p)

Changes to legislation:

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