

## SCHEDULES

### SCHEDULE 8

Section 47(11)

#### PRISONERS RETURNING TO THE UK: MODIFICATIONS OF CRIMINAL JUSTICE ACT 2003

This is the Schedule to be inserted after Schedule 19A to the Criminal Justice Act 2003—

#### “SCHEDULE 19B

Section 261

#### PRISONERS RETURNING TO THE UK: MODIFICATIONS OF CHAPTER 6 OF PART 12

##### **Modification of dates for referral to the Board**

- 1 Paragraph 2 applies where section 244ZC(2), 244A(2) or 246A(4) (when read with section 260(4A)) would require the Secretary of State to refer a person’s case to the Board on a day falling before the end of the period of 28 days beginning with the day on which the person is returned to custody.
- 2 The applicable provision is to be read as requiring the Secretary of State to refer the person’s case to the Board at any time up to the end of the period of 28 days beginning with the day on which the person is returned to custody.
- 3 For the purposes of paragraphs 1 and 2, a person returns to custody when the person, having returned to the United Kingdom, is detained (whether or not in prison) in pursuance of their sentence.

##### **Person removed after Board had directed release but before being released**

- 4 Paragraphs 5 and 6 apply where, before a person’s removal from the United Kingdom—
  - (a) the Board had directed their release under section 244ZC, 244A or 246A, but
  - (b) they had not been released on licence.
- 5 The direction of the Board is to be treated as having no effect.
- 6 The person is to be treated as if—
  - (a) they had been recalled under section 254 on the day on which they returned to the United Kingdom, and
  - (b) they were not suitable for automatic release (see section 255A).

##### **Person removed after referral to the Board but before disposal of the reference**

- 7 Paragraph 8 applies where—
  - (a) before a person’s removal from prison their case had been referred to the Board under section 244ZB(3), 244ZC(2), 244A(2) or 246A(4), and

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) the reference lapsed under section 260(4B) because the person was removed from the United Kingdom before the Board had disposed of the reference.
- 8 Section 244ZC(2), 244A(2) or 246A(4) (as applicable) is to be read as requiring the Secretary of State to refer the person’s case to the Board before the end of the period of 28 days beginning with the day on which the person is returned to custody.
- 9 For the purposes of paragraph 8, a person returns to custody when the person, having returned to the United Kingdom, is detained (whether or not in prison) in pursuance of their sentence.

**Person removed after having been recalled to prison**

- 10 Paragraphs 11 and 12 apply where, at the time of a person’s removal from prison under section 260, the person was in prison following recall under section 254.
- 11 Any direction of the Board made in relation to the person under section 255C or 256A before their return to the United Kingdom is to be treated as having no effect.
- 12 The person is to be treated as if—
- (a) they had been recalled under section 254 on the day on which they returned to the United Kingdom, and
  - (b) they were not suitable for automatic release (see section 255A).”