



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

[^{F1} RELEASE, LICENCES^{F1}, SUPERVISION] AND RECALL]

Release on licence

244 Duty to release prisoners [^{F1}not subject to special provision for release]

- (1) As soon as a fixed-term prisoner, other than a prisoner to whom section [^{F2}243A^{F3}, [^{F4}244ZA,] 244A]^{F5}, 246A]^{F6}, 247 or 247A] applies, has served the requisite custodial period [^{F7}for the purposes of this section], it is the duty of the Secretary of State to release him on licence under this section.

[^{F8}(1ZA) Subsection (1) does not apply if—

- (a) the prisoner's case has been referred to the Board under section 244ZB, or
- (b) a notice given to the prisoner under subsection (4) of that section is in force.]

[^{F9}(1A) Subsection (1) does not apply if the prisoner has been released on licence under section 246 [^{F10}or 248] and recalled under section 254 (provision for the release of such persons being made by sections 255B and 255C).]

^{F11}(2)

- (3) [^{F12}For the purposes of this section] “the requisite custodial period” means—

(a) [^{F13}in relation to a prisoner serving one sentence], one-half of his sentence,

^{F14}(b)

^{F14}(c)

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- (d) in relation to a person serving two or more concurrent or consecutive sentences^{F15} ... , the period determined under sections 263(2) and [F16 264(2B) or (2E)].

[F17(4) This section is subject to paragraphs 5, 6, 8, 25 and 28 of Schedule 20B (transitional cases).]

Textual Amendments

- F1** Words in s. 244 heading inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 130(2)(a)**, 208(5)(m)
- F2** Words in s. 244(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 6(2)(a)**; S.I. 2012/2906, art. 2(l)
- F3** Word in s. 244(1) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 5**; S.I. 2015/778, art. 3, Sch. 1 para. 72
- F4** Word in s. 244(1) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 130(2)(b)**, 208(5)(m)
- F5** Word in s. 244(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 125(2)**, 151(1); S.I. 2012/2906, art. 2(e)
- F6** Words in s. 244(1) substituted (26.2.2020) by Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), **ss. 2(3)**, 10(4)
- F7** Words in s. 244(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 6(2)(b)**; S.I. 2012/2906, art. 2(l)
- F8** S. 244(1ZA) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 132(3)**, 208(4)(p)
- F9** S. 244(1A) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 114(2)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F10** Words in s. 244(1A) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 9(2)**, 22(1) (with Sch. 7 para. 5); S.I. 2015/40, art. 2(i)
- F11** S. 244(2) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 21(2)**; S.I. 2012/2906, art. 2(h)
- F12** Words in s. 244(3) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 6(3)(a)**; S.I. 2012/2906, art. 2(l)
- F13** Words in s. 244(3)(a) substituted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 18** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F14** S. 244(3)(b)(c) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 21(3)(a)**; S.I. 2012/2906, art. 2(h); S.I. 2012/2906, art. 2(h)
- F15** Words in s. 244(3)(d) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 21(3)(b)**; S.I. 2012/2906, art. 2(h)
- F16** Words in s. 244(3)(d) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 144(4)**, 208(5)(p)
- F17** S. 244(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 17 para. 2**; S.I. 2012/2906, art. 2(o)

Modifications etc. (not altering text)

- C1** Pt. 12 Ch. 6 modified (1.12.2020) by Sentencing Act 2020 (c. 17), **s. 245(1)(2)(c)**, 416(1) (with ss. 2, 245(3), 398(1), 406, Sch. 27); S.I. 2020/1236, reg. 2
- C2** Pt. 12 Ch. 6 modified (1.12.2020) by Sentencing Act 2020 (c. 17), **s. 244(1)(2)(c)**, 416(1) (with ss. 2, 244(3), 398(1), 406, Sch. 27); S.I. 2020/1236, reg. 2
- C3** Pt. 12 Ch. 6 applied (29.6.2021) by 1984 c. 47, **Sch. para. 2(3B)** (as inserted by Counter Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(r), **Sch. 11 para. 2**)
- C4** S. 244(3)(a) modified (1.4.2020) by The Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020 (S.I. 2020/158), arts. 1, **3** (with art. 5)

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Commencement Information

- II** S. 244 partly in force; s. 244 not in force at Royal Assent, see s. 336(3); s. 244(1)(2)(3)(c)(d) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2, Sch.**; s. 244(1)(2)(3)(a)(d) in force at 4.4.2005 by S.I. 2005/950, **art. 2(1), Sch. 1 para. 19** (subject to **art. 2(2), Sch. 2**)

[^{F18}244Z] Release on licence of certain violent or sexual offenders

- (1) As soon as a fixed-term prisoner to whom this section applies has served the requisite custodial period for the purposes of this section, it is the duty of the Secretary of State to release the prisoner on licence under this section.
- (2) This section applies to a prisoner who—
 - (a) is serving a fixed-term sentence within subsection (4), (5) or (6),
 - (b) is not a prisoner to whom section 244A, 246A or 247A applies, and
 - (c) has not been released on licence (provision for the release of persons recalled under section 254 being made by sections 255B and 255C).
- (3) Subsection (1) does not apply if—
 - (a) the prisoner’s case has been referred to the Board under section 244ZB, or
 - (b) a notice given to the prisoner under subsection (4) of that section is in force.
- (4) A fixed-term sentence is within this subsection if it—
 - (a) is a sentence of—
 - (i) imprisonment, or
 - (ii) detention under section 96 of the PCC(S)A 2000 or section 262 of the Sentencing Code,
 - (b) is for a term of 7 years or more,
 - (c) was imposed on or after 1 April 2020, and
 - (d) was imposed in respect of an offence—
 - (i) that is specified in Part 1 or 2 of Schedule 15, and
 - (ii) for which a sentence of life imprisonment could have been imposed (in the case of an offender aged 21 or over) at the time when the actual sentence was imposed.
- (5) A fixed-term sentence is within this subsection if it—
 - (a) is a sentence of imprisonment or a sentence of detention under section 262 of the Sentencing Code,
 - (b) is for a term of at least 4 years but less than 7 years,
 - (c) was imposed on or after the day on which section 130 of the Police, Crime, Sentencing and Courts Act 2022 came into force, and
 - (d) was imposed in respect of an offence within subsection (7).
- (6) A fixed-term sentence is within this subsection if it—
 - (a) is a sentence of detention under section 250 of the Sentencing Code,
 - (b) is for a term of 7 years or more,
 - (c) was imposed on or after the day on which section 130 of the Police, Crime, Sentencing and Courts Act 2022 came into force, and
 - (d) was imposed in respect of an offence within subsection (7).
- (7) An offence is within this subsection if—

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- (a) it is specified in any of the following paragraphs of Part 1 of Schedule 15—
 - (i) paragraph 1 (manslaughter);
 - (ii) paragraph 4 (soliciting murder);
 - (iii) paragraph 6 (wounding with intent to cause grievous bodily harm);
 - (iv) paragraph 64 (ancillary offences), so far as it relates to an offence listed in paragraph 1, 4 or 6;
 - (v) paragraph 65 (inchoate offences in relation to murder), or
 - (b) it is an offence—
 - (i) that is specified in Part 2 of that Schedule (sexual offences), and
 - (ii) for which a sentence of life imprisonment could have been imposed (in the case of an offender aged 21 or over) at the time when the actual sentence was imposed.
- (8) For the purposes of this section “the requisite custodial period” means—
- (a) in relation to a prisoner serving one sentence, two-thirds of the prisoner’s sentence, and
 - (b) in relation to a prisoner serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2B) or (2E).]

Textual Amendments

F18 S. 244ZA inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 130(3), 208(5)(m)**

[^{F19}244ZB] Referral of high-risk offenders to Parole Board in place of automatic release

- (1) This section applies to a prisoner who—
 - (a) would (but for anything done under this section and ignoring any possibility of release under section 246 or 248) be, or become, entitled to be released on licence under section 243A(2), 244(1) or 244ZA(1), and
 - (b) is (or will be) aged 18 or over on the first day on which the prisoner would be so entitled.
- (2) For the purposes of this section, the Secretary of State is of the requisite opinion if the Secretary of State believes on reasonable grounds that the prisoner would, if released, pose a significant risk to members of the public of serious harm occasioned by the commission of any of the following offences—
 - (a) murder;
 - (b) specified offences, within the meaning of section 306 of the Sentencing Code.
- (3) If the Secretary of State is of the requisite opinion, the Secretary of State may refer the prisoner’s case to the Board.
- (4) Before referring the prisoner’s case to the Board, the Secretary of State must notify the prisoner in writing of the Secretary of State’s intention to do so (and the reference may be made only if the notice is in force).
- (5) A notice given under subsection (4) must take effect before the prisoner becomes entitled as mentioned in subsection (1)(a).
- (6) A notice given under subsection (4) must explain—

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- (a) the effect of the notice (including its effect under section 243A(2A), 244(1ZA) or 244ZA(3)),
 - (b) why the Secretary of State is of the requisite opinion, and
 - (c) the prisoner’s right to make representations (see subsection (12)).
- (7) A notice given under subsection (4)—
- (a) takes effect at whichever is the earlier of—
 - (i) the time when it is received by the prisoner, and
 - (ii) the time when it would ordinarily be received by the prisoner, and
 - (b) remains in force until—
 - (i) the Secretary of State refers the prisoner’s case to the Board under this section, or
 - (ii) the notice is revoked.
- (8) The Secretary of State—
- (a) may revoke a notice given under subsection (4), and
 - (b) must do so if the Secretary of State is no longer of the requisite opinion.
- (9) If a notice given under subsection (4) is in force and the prisoner would but for the notice have become entitled as mentioned in subsection (1)(a)—
- (a) the prisoner may apply to the High Court on the ground that the prisoner’s release has been delayed by the notice for longer than is reasonably necessary in order for the Secretary of State to complete the referral of the prisoner’s case to the Board, and
 - (b) the High Court, if satisfied that that ground is made out, must by order revoke the notice.
- (10) At any time before the Board disposes of a reference under this section, the Secretary of State—
- (a) may rescind the reference, and
 - (b) must do so if the Secretary of State is no longer of the requisite opinion.
- (11) If the reference is rescinded, the prisoner is no longer to be treated as one whose case has been referred to the Board under this section (but this does not have the effect of reviving the notice under subsection (4)).
- (12) The prisoner may make representations to the Secretary of State about the referral, or proposed referral, of the prisoner’s case at any time after being notified under subsection (4) and before the Board disposes of any ensuing reference under this section.

But the Secretary of State is not required to delay the referral of the prisoner’s case in order to give an opportunity for such representations to be made.

Textual Amendments

F19 Ss. 244ZB, 244ZC inserted (28.4.2022) by *Police, Crime, Sentencing and Courts Act 2022 (c. 32)*, ss. 132(4), 208(4)(p)

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244ZC Proceedings following reference under section 244ZB

- (1) This section applies to a prisoner whose case has been referred to the Parole Board under section 244ZB.
- (2) If, in disposing of that reference or any subsequent reference of the prisoner’s case to the Board under this subsection, the Board does not direct the prisoner’s release, it is the duty of the Secretary of State to refer the prisoner’s case to the Board again no later than the first anniversary of the disposal.
- (3) It is the duty of the Secretary of State to release the prisoner on licence as soon as—
 - (a) the prisoner has served the requisite custodial period, and
 - (b) the Board has directed the release of the prisoner under this section.
- (4) The Board must not give a direction under subsection (3) in disposing of the reference under section 244ZB unless the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (5) The Board must not subsequently give a direction under subsection (3) unless—
 - (a) the Secretary of State has referred the prisoner’s case to the Board under subsection (2), and
 - (b) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (6) For the purposes of this section, the “requisite custodial period” means the period ending with the day on which the prisoner would have become entitled as mentioned in section 244ZB(1)(a).]

Textual Amendments

F19 Ss. 244ZB, 244ZC inserted (28.4.2022) by *Police, Crime, Sentencing and Courts Act 2022 (c. 32)*, ss. 132(4), 208(4)(p)

[^{F20}244A Release on licence of prisoners serving sentence under [^{F21}section 278 of the Sentencing Code etc]

- (1) This section applies to a prisoner (“P”) who is serving a sentence imposed under section 236A [^{F22}or under section 265 or 278 of the Sentencing Code][^{F23}, other than a prisoner to whom section 247A applies].
- (2) The Secretary of State must refer P's case to the Board—
 - (a) as soon as P has served the requisite custodial period, and
 - (b) where there has been a previous reference of P's case to the Board under this subsection and the Board did not direct P's release, not later than the second anniversary of the disposal of that reference.
- (3) It is the duty of the Secretary of State to release P on licence under this section as soon as—
 - (a) P has served the requisite custodial period, and
 - (b) the Board has directed P's release under this section.
- (4) The Board must not give a direction under subsection (3) unless—
 - (a) the Secretary of State has referred P's case to the Board, and

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- (b) the Board is satisfied that it is not necessary for the protection of the public that P should be confined.
- (5) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the appropriate custodial term, unless P has previously been released on licence under this section and recalled under section 254 (provision for the release of such persons being made by sections 255A to 255C).
- (6) For the purposes of this section—
- “the appropriate custodial term” means the term determined as such by the court under section 236A [^{F24}or under section 265 or 278 of the Sentencing Code];
- “the requisite custodial period” means—
- (a) in relation to a person serving one sentence [^{F25}imposed before the day on which section 131 of the Police, Crime, Sentencing and Courts Act 2022 came into force], one-half of the appropriate custodial term,
- (aa) [^{F26}in relation to a person serving one sentence imposed on or after that day, two-thirds of the appropriate custodial term,] and
- (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and [^{F27}264(2D)].]

Textual Amendments

- F20** S. 244A inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 6**; S.I. 2015/778, art. 3, **Sch. 1 para. 72**
- F21** Words in s. 244A heading substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 223(2)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F22** Words in s. 244A(1) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 223(3)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F23** Words in s. 244A(1) inserted (26.2.2020) by Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), **ss. 2(4), 10(4)**
- F24** Words in s. 244A(6) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 223(4)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F25** Words in s. 244A(6) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 131(2)(a), 208(5)(m)**
- F26** Words in s. 244A(6) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 131(2)(b), 208(5)(m)**
- F27** Word in s. 244A(6) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 144(5), 208(5)(p)**

^{F28}**245 Restrictions on operation of section 244(1) in relation to intermittent custody prisoners**

Textual Amendments

- F28** S. 245 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 22**; S.I. 2012/2906, art. 2(h)

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246 Power to release prisoners on licence before required to do so

- (1) Subject to subsections (2) to (4), the Secretary of State may—
- (a) release on licence under this section a fixed-term prisoner ^{F29}... at any time during the period of [^{F30}180] days ending with the day on which the prisoner will have served the requisite custodial period, ^{F31}...
 - ^{F31}(b)
- (2) Subsection (1)(a) does not apply in relation to a prisoner unless—
- (a) the length of the requisite custodial period is at least 6 weeks, [^{F32}and
 - (b) he has served—
 - (i) at least 4 weeks of that period, and
 - (ii) at least one-half of that period.]
- ^{F33}(3)
- (4) Subsection (1) does not apply where—
- (a) the sentence is imposed under section [^{F34}226A,] 227 [^{F35}, 228 or 236A][^{F36}or under section 265, 266, 278 or 279 of the Sentencing Code],
 - ^{F37}(aa) the sentence is for a term of 4 years or more,]
 - ^{F38}(ab) the prisoner is one to whom section 247A applies,]
 - (b) the sentence is for an offence under section 1 of the Prisoners (Return to Custody) Act 1995 (c. 16),
 - (c) the prisoner is subject to a hospital order, hospital direction or transfer direction under section 37, 45A or 47 of the Mental Health Act 1983 (c. 20),
 - (d) the sentence was imposed by virtue of paragraph 9(1)(b) or (c) or 10(1)(b) or (c) of Schedule 8 [^{F39}, or paragraph 10(5)(c) or (d) or 11(2)(c) or (d) of Schedule 10 to the Sentencing Code,] in a case where the prisoner has failed to comply with a curfew requirement of a community order,
 - (e) the prisoner is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42),
 - (f) the prisoner is liable to removal from the United Kingdom,
 - ^{F40}(fa) the prisoner's case has been referred to the Board under section 244ZB,
 - (fb) a notice given to the prisoner under subsection (4) of that section is in force,]
 - (g) the prisoner has been released on licence under this section [^{F41}at any time], and has been recalled to prison under section 255(1)(a) [^{F42}(and the revocation has not been cancelled under section 255(3))],
 - ^{F43}(ga) the prisoner has at any time been released on licence under section 34A of the Criminal Justice Act 1991 and has been recalled to prison under section 38A(1)(a) of that Act (and the revocation of the licence has not been cancelled under section 38A(3) of that Act);]
 - (h) the prisoner has been released on licence under section 248 during the currency of the sentence, and has been recalled to prison under section 254, ^{F44}...
 - ^{F45}(ha) the prisoner has at any time been returned to prison under section 40 of the Criminal Justice Act 1991 or section 116 of [^{F46}the PCC(S)A 2000], or]
 - (i) in the case of a prisoner [^{F47}to whom section 240ZA applies or a direction under section 240A [^{F48}or under section 325 of the Sentencing Code] relates], the interval between the date on which the sentence was passed and the date on which the prisoner will have served the requisite custodial period is less than 14 days ^{F49}... .

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[^{F50}(4ZA) Where subsection (4)(aa) applies to a prisoner who is serving two or more terms of imprisonment, the reference to the term of the sentence is—

- (a) if the terms are partly concurrent, a reference to the period which begins when the first term begins and ends when the last term ends;
- (b) if the terms are to be served consecutively, a reference to the aggregate of the terms.]

[^{F51}(4A) In subsection (4)—

- (a) the reference in paragraph (d) to a community order includes a service community order or overseas community order under the Armed Forces Act 2006; and
- (b) the reference in paragraph (i) to [^{F52}section 240ZA includes] section 246 of that Act.]

(5) The Secretary of State may by order—

- (a) amend the number of days for the time being specified in subsection (1)(a) ^{F53}... or (4)(i),
- (b) amend the number of weeks for the time being specified in subsection (2)(a) or (b)(i), and
- (c) amend the fraction for the time being specified in subsection (2)(b)(ii) ^{F54}... .

(6) In this section—

^{F55}

“the requisite custodial period” in relation to a person serving any sentence ^{F56}... , has the meaning given by [^{F57}paragraph (a) or (b) of section 243A(3) or (as the case may be)] paragraph (a) ^{F56}... or (d) of section 244(3);

^{F58}

[^{F59}“term of imprisonment” includes a determinate sentence of detention under section 91 or 96 of [^{F60}the PCC(S)A 2000, under section 250, 254, 262, 265, 266, 278 or 279 of the Sentencing Code] or under section [^{F61}226A, 226B,] 227 [^{F62}, 228 or 236A] of this Act.]

Textual Amendments

- F29** Words in s. 246(1)(a) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 23(2)(a)**; S.I. 2012/2906, art. 2(h)
- F30** Word in s. 246(1)(a) substituted (6.6.2023) by [The Criminal Justice Act 2003 \(Home Detention Curfew\) Order 2023 \(S.I. 2023/390\)](#), arts. 1(2), **2**
- F31** S. 246(1)(b) and preceding word omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 23(2)(b)**; S.I. 2012/2906, art. 2(h)
- F32** S. 246(2)(b) and word substituted (14.7.2008) for s. 246(2)(b) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 24, 153**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 11
- F33** S. 246(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 23(3)**; S.I. 2012/2906, art. 2(h)
- F34** Words in s. 246(4)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 20 para. 5(2)**; S.I. 2012/2906, art. 2(r)
- F35** Words in s. 246(4)(a) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 1 para. 7(2)**; S.I. 2015/778, art. 3, Sch. 1 para. 72
- F36** Words in s. 246(4)(a) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 224(2)(a)** (with Sch. 27); S.I. 2020/1236, reg. 2

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- F37** S. 246(4)(aa) inserted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 112(2), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F38** S. 246(4)(ab) inserted (26.2.2020) by **Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), ss. 2(5), 10(4)**
- F39** Words in s. 246(4)(d) inserted (1.12.2020) by **Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 224(2)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F40** S. 246(4)(fa)(fb) inserted (28.4.2022) by **Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 132(5), 208(4)(p)**
- F41** Words in s. 246(4)(g) substituted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 112(3)(a), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F42** Words in s. 246(4)(g) inserted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 112(3)(b), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F43** S. 246(4)(ga) inserted (13.4.2015) by **Criminal Justice and Courts Act 2015 (c. 2), ss. 15(4), 95(1)** (with s. 15(10)); S.I. 2015/778, art. 3, Sch. 1 para. 11
- F44** Word in s. 246(4)(h) omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 112(4), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F45** S. 246(4)(ha) inserted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 112(4), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F46** Words in s. 246(4)(ha) substituted (1.12.2020) by **Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 224(2)(c)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F47** Words in s. 246(4)(i) substituted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 110(9)(a), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F48** Words in s. 246(4)(i) inserted (1.12.2020) by **Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 224(2)(d)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F49** Words in s. 246(4)(i) omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 10 para. 23(4)**; S.I. 2012/2906, art. 2(h)
- F50** S. 246(4ZA) inserted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 112(5), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F51** S. 246(4A) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by **Armed Forces Act 2006 (c. 52), ss. 378(1), 383, Sch. 16 para. 221; S.I. 2009/812, art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F52** Words in s. 246(4A)(b) substituted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 110(9)(b), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F53** Words in s. 246(5)(a) omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 10 para. 23(5)(a)**; S.I. 2012/2906, art. 2(h)
- F54** Words in s. 246(5)(c) omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 10 para. 23(5)(b)**; S.I. 2012/2906, art. 2(h)
- F55** Words in s. 246(6) omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 10 para. 23(6)(a)**; S.I. 2012/2906, art. 2(h)
- F56** Words in s. 246(6) omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 10 para. 23(6)(b)**; S.I. 2012/2906, art. 2(h)
- F57** Words in s. 246(6) inserted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 14 para. 7**; S.I. 2012/2906, art. 2(l)
- F58** Words in s. 246(6) omitted (3.12.2012) by virtue of **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 10 para. 23(6)(c)**; S.I. 2012/2906, art. 2(h)
- F59** Words in s. 246(6) inserted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), ss. 112(6), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F60** Words in s. 246(6) substituted (1.12.2020) by **Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 224(3)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F61** Words in s. 246(6) inserted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 20 para. 5(3)**; S.I. 2012/2906, art. 2(r)
- F62** Words in s. 246(6) substituted (13.4.2015) by **Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 1 para. 7(3)**; S.I. 2015/778, art. 3, Sch. 1 para. 72

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Modifications etc. (not altering text)

- C5** S. 246 excluded (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), **ss. 237(5)**, 416(1) (with **ss. 2**, 398(1), 406, **Sch. 27**); [S.I. 2020/1236](#), **reg. 2**

Commencement Information

- I2** S. 246 wholly in force at 4.4.2005; s. 246 not in force at Royal Assent, see s. 336(3); s. 246(1)(b)(3) (4)(b)-(i)(5)(6) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), **art. 2**, **Sch.**; s. 246(5) in force at 7.3.2005 by [S.I. 2005/373](#), **art. 2**; s. 246 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), **art. 2(1)**, **Sch. 1 para. 19** (subject to **art. 2(2)**, **Sch. 2**)

[^{F63}246A Release on licence of prisoners serving extended sentence under [^{F64}section 254, 266 or 279 of the Sentencing Code etc]

- (1) This section applies to a prisoner (“P”) who is serving an extended sentence imposed under section 226A or 226B [^{F65}or under section 254, 266 or 279 of the Sentencing Code][^{F66}, other than a prisoner to whom section 247A applies].
- (2) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the requisite custodial period for the purposes of this section [^{F67}if—
 - (a) the sentence was imposed before the coming into force of section 4 of the Criminal Justice and Courts Act 2015,
 - (b) the appropriate custodial term is less than 10 years, and
 - (c) the sentence was not imposed in respect of an offence listed in Parts 1 to 3 of Schedule 15B or in respect of offences that include one or more offences listed in those Parts of that Schedule.]
- (3) [^{F68}In any other case], it is the duty of the Secretary of State to release P on licence in accordance with subsections (4) to (7).
- (4) The Secretary of State must refer P's case to the Board—
 - (a) as soon as P has served the requisite custodial period, and
 - (b) where there has been a previous reference of P's case to the Board under this subsection and the Board did not direct P's release, not later than the second anniversary of the disposal of that reference.
- (5) It is the duty of the Secretary of State to release P on licence under this section as soon as—
 - (a) P has served the requisite custodial period, and
 - (b) the Board has directed P's release under this section.
- (6) The Board must not give a direction under subsection (5) unless—
 - (a) the Secretary of State has referred P's case to the Board, and
 - (b) the Board is satisfied that it is no longer necessary for the protection of the public that P should be confined.

[Sections 246B and 246C contain provision that relates to the Board's function of giving ^{F69}(6A) directions under subsection (5) for the release of P.]

- (7) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the appropriate custodial term, unless P has previously been released on licence under this section and recalled under section 254 (provision for the release of such persons being made by section 255C).

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(8) For the purposes of this section—

“appropriate custodial term” means the term determined as such by the court under section 226A or 226B [^{F70}or under section 254, 266 or 279 of the Sentencing Code] (as appropriate);

“the requisite custodial period” means—

- (a) in relation to a person serving one sentence, two-thirds of the appropriate custodial term, and
- (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and [^{F71}264(2B), (2D) or (2E)].

Textual Amendments

- F63** S. 246A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 125\(3\), 151\(1\)](#); S.I. 2012/2906, art. 2(e)
- F64** Words in s. 246A heading substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 225\(2\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F65** Words in s. 246A(1) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 225\(3\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F66** Words in s. 246A(1) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\)](#), [ss. 2\(6\), 10\(4\)](#)
- F67** Words in s. 246A(2) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 4\(2\), 95\(1\)](#); S.I. 2015/778, art. 3, [Sch. 1 para. 4](#)
- F68** Words in s. 246A(3) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 4\(3\), 95\(1\)](#); S.I. 2015/778, art. 3, [Sch. 1 para. 4](#)
- F69** S. 246A(6A) inserted (4.1.2021) by [Prisoners \(Disclosure of Information About Victims\) Act 2020 \(c. 19\)](#), [ss. 2\(3\), 3\(2\)](#); S.I. 2020/1537, reg. 2
- F70** Words in s. 246A(8) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 225\(4\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F71** Words in s. 246A(8) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 144\(6\), 208\(5\)\(p\)](#)

[^{F72}246B Manslaughter: prisoner's non-disclosure of information

- (1) The Board must comply with this section when making a public protection decision about a prisoner if—
 - (a) the prisoner's sentence was passed for manslaughter;
 - (b) the Board does not know where and how the victim's remains were disposed of; and
 - (c) the Board believes that the prisoner has information about where, or how, the victim's remains were disposed of (whether the information relates to the actions of the prisoner or any other individual) which the prisoner has not disclosed to the Board (“the prisoner's non-disclosure”).
- (2) When making the public protection decision about the prisoner, the Board must take into account—
 - (a) the prisoner's non-disclosure; and
 - (b) the reasons, in the Board's view, for the prisoner's non-disclosure.

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- (3) This section does not limit the matters which the Board must or may take into account when making a public protection decision.
- (4) In subsection (1)(a) the reference to a sentence includes a sentence passed before the coming into force of section 2 of the Prisoners (Disclosure of Information About Victims) Act 2020.
- (5) In this section, in relation to a prisoner—
 - “public protection decision” means the decision, made under section 246A(6)(b) for the purposes of section 246A(5), as to whether the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined;
 - “victim” means the victim of the offence for which the prisoner's sentence was passed;and a reference to the victim's remains being disposed of includes the remains being left at the location where the victim died.]

Textual Amendments

F72 Ss. 246B, 246C inserted (4.1.2021) by Prisoners (Disclosure of Information About Victims) Act 2020 (c. 19), ss. 2(2), 3(2); S.I. 2020/1537, reg. 2

[^{F72}246C Indecent images: prisoner's non-disclosure of information

- (1) The Board must comply with this section when making a public protection decision about a prisoner if—
 - (a) the prisoner's sentence was passed for—
 - (i) an offence of taking an indecent photograph of a child, or
 - (ii) a relevant offence of making an indecent pseudo-photograph of a child;
 - (b) the Board does not know the identity of the child who is the subject of the relevant indecent image; and
 - (c) the Board believes that the prisoner has information about the identity of the child who is the subject of the relevant indecent image which the prisoner has not disclosed to the Board (“the prisoner's non-disclosure”).
- (2) When making the public protection decision about the prisoner, the Board must take into account—
 - (a) the prisoner's non-disclosure; and
 - (b) the reasons, in the Board's view, for the prisoner's non-disclosure.
- (3) This section does not limit the matters which the Board must or may take into account when making a public protection decision.
- (4) In subsection (1)(a), the reference to a sentence includes a sentence passed before the coming into force of section 2 of the Prisoners (Disclosure of Information About Victims) Act 2020.
- (5) For the purposes of this section, an offence is—

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- (a) an “offence of taking an indecent photograph of a child” if it is an offence under section 1(1)(a) of the Protection of Children Act 1978 of taking an indecent photograph of a child;
- (b) a “relevant offence of making an indecent pseudo-photograph of a child” if—
 - (i) it is an offence under section 1(1)(a) of the Protection of Children Act 1978 of making an indecent pseudo-photograph of a child, and
 - (ii) the Board believes that an image of a real child was or may have been used in the making of the pseudo-photograph;

and, in the application of this section to a relevant offence of making an indecent pseudo-photograph of a child, the references in subsection (1)(b) and (c) to the child who is the subject of the relevant indecent image are references to the real child.

(6) In this section—

“public protection decision”, in relation to a prisoner, means the decision, made under section 246A(6)(b) for the purposes of section 246A(5), as to whether the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined;

“relevant indecent image” means—

- (a) the photograph to which an offence of taking an indecent photograph of a child relates, or
- (b) the pseudo-photograph to which a relevant offence of making an indecent pseudo-photograph of a child relates.]

Textual Amendments

F72 Ss. 246B, 246C inserted (4.1.2021) by Prisoners (Disclosure of Information About Victims) Act 2020 (c. 19), ss. 2(2), 3(2); S.I. 2020/1537, reg. 2

247 Release on licence of prisoner serving extended sentence under section 227 or 228

(1) This section applies to a prisoner who is serving an extended sentence imposed under section 227 or 228^{F73}, other than a prisoner to whom section 247A applies].

(2) As soon as—

- (a) a prisoner to whom this section applies has served [^{F74}the requisite custodial period],^{F75} . . .
- (b) ^{F76}

it is the duty of the Secretary of State to release him on licence.

(3) ^{F77}

(4) ^{F78}

(5) ^{F79}

(6) ^{F80}

[^{F81}(7) In this section—

“the appropriate custodial term” means the period determined by the court as the appropriate custodial term under section 227 or 228;

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“the requisite custodial period” means—

- (a) in relation to a person serving one sentence, one-half of the appropriate custodial term, and
- (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and [^{F82}264(2B) or (2E)].]

[^{F83}(8) In its application to a person serving a sentence imposed before 14 July 2008, this section is subject to the modifications set out in paragraph 15 of Schedule 20B (transitional cases).]

Textual Amendments

- F73** Words in s. 247(1) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\), ss. 2\(7\), 10\(4\)](#)
- F74** Words in s. 247(2)(a) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 14\(3\)\(a\), 95\(1\)](#) (with s. 14(7)); S.I. 2015/778, art. 3, Sch. 1 para. 10
- F75** Word at the end of s. 247(2)(a) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(2\)\(a\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F76** S. 247(2)(b) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(2\)\(b\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F77** S. 247(3) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(3\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F78** S. 247(4) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(3\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F79** S. 247(5) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(3\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F80** S. 247(6) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(3\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(c) (subject to Sch. 2 para. 2)
- F81** S. 247(7) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 14\(3\)\(b\), 95\(1\)](#) (with s. 14(7)); S.I. 2015/778, art. 3, Sch. 1 para. 10
- F82** Words in s. 247(7) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 144\(7\), 208\(5\)\(p\)](#)
- F83** S. 247(8) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 17 para. 3](#); S.I. 2012/2906, art. 2(o)

Commencement Information

- I3** S. 247 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, art. 2(1), Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

[^{F84}247A Restricted eligibility for release on licence of terrorist prisoners

- (1) This section applies to a prisoner (a “terrorist prisoner”) who—
 - (a) is serving a fixed-term sentence imposed (whether before or after this section comes into force) in respect of an offence within subsection (2), and
 - (b) has not been released on licence.
- (2) An offence is within this subsection ([^{F85}whenever it was committed]) if—
 - [^{F86}(a) it is specified in Part 1 or 2 of Schedule 19ZA (terrorism offences punishable with imprisonment for life or for more than two years),]

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- [^{F87}(b) it is a service offence as respects which the corresponding civil offence is so specified, or
- (c) it was determined to have a terrorist connection.]
- [Subsections (3) to (5) apply unless the terrorist prisoner's sentence was imposed—
- ^{F88}(2A) (a) under section 226A or 226B or under section 254, 266, 268A, 279 or 282A of the Sentencing Code (extended sentence or serious terrorism sentence for dangerous offenders),
- (b) on or after the day on which section 27 of the Counter-Terrorism and Sentencing Act 2021 comes into force, and
- (c) in respect of an offence that—
- (i) is specified in Part 1 of Schedule 19ZA (terrorism offences punishable with imprisonment for life),
- (ii) is a service offence as respects which the corresponding civil offence is so specified,
- (iii) is specified in Part 3 of that Schedule (other offences punishable with imprisonment for life) and was determined to have a terrorist connection, or
- (iv) is a service offence as respects which the corresponding civil offence is so specified, and was determined to have a terrorist connection.]
- (3) It is the duty of the Secretary of State to refer the case of a terrorist prisoner to the Board—
- (a) as soon as the prisoner has served the requisite custodial period, and
- (b) where there has been a previous reference of the prisoner's case to the Board under this subsection and the Board did not direct the prisoner's release, no later than the second anniversary of the disposal of that reference.
- (4) It is the duty of the Secretary of State to release a terrorist prisoner on licence as soon as—
- (a) the prisoner has served the requisite custodial period, and
- (b) the Board has directed the release of the prisoner under this section.
- (5) The Board must not give a direction under subsection (4) unless—
- (a) the Secretary of State has referred the terrorist prisoner's case to the Board, and
- (b) the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- (6) Subsection (7) applies where the terrorist prisoner is serving a sentence imposed under section 226A, 226B, 227, 228 or 236A [^{F89}or under section [^{F90}252A,] 254, 265, 266, [^{F91}268A, 278, 279 or 282A] of the Sentencing Code].
- (7) It is the duty of the Secretary of State to release the terrorist prisoner on licence under this section as soon as the prisoner has served the appropriate custodial term (see sections 255B and 255C for provision about the re-release of a person who has been recalled under section 254).
- [For the purposes of this section, an offence was determined to have a terrorist
- ^{F92}(7A) connection if it was—
- (a) determined to have a terrorist connection under—
- (i) section 69 of the Sentencing Code (including as applied by section 238(6) of the Armed Forces Act 2006),

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- (ii) section 30 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in England and Wales before the Sentencing Code applied, or an offender sentenced in Northern Ireland but now subject to the provisions of this Chapter), or
 - (iii) section 32 of that Act (in the case of a person sentenced for a service offence before the Sentencing Code applied), or
- (b) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland but now subject to the provisions of this Chapter).]
- (8) For the purposes of this section—
- “the appropriate custodial term”, in relation to a sentence imposed under section 226A, 226B, 227, 228 or 236A, [F93 or under section [F94252A,] 254, 265, 266, [F95268A, 278, 279 or 282A] of the Sentencing Code,] means the term determined as such by the court under that provision;
- “the requisite custodial period” means—
- (a) in relation to a person serving one sentence imposed under section 226A, 226B, 227, 228, or 236A, [F93 or under section [F94252A,] 254, 265, 266, 278 or 279 of the Sentencing Code,] two-thirds of the appropriate custodial term,
 - (b) in relation to a person serving one sentence of any other kind, two-thirds of the sentence, and
 - (c) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and [F96264(2B), (2D) or (2E)];
- “service offence”, [F97 and “corresponding civil offence”] have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).
- (9) For the purposes of this section, a reference of a terrorist prisoner's case to the Board disposed of before the day on which this section comes into force is to be treated as if it was made (and disposed of) under subsection (3) if—
- (a) it was made under section 244A(2)(b) and disposed of at a time when the prisoner had served the requisite custodial [F98 period] (within the meaning of this section, not section 244A), or
 - (b) it was made under section 246A(4).
- (10) Nothing in this section affects the duty of the Secretary of State to release a person whose release has been directed by the Board before this section comes into force.

[In the case of a prisoner to whom this section applies as a result of the amendments F99(10A) made by sub-paragraph (2) of paragraph 45 of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021, the references in subsections (9) and (10) to the date on which this section comes into force are to be read as references to the date on which that sub-paragraph comes into force.]

- (11) This section is subject to paragraphs 5, 17 and 19 of Schedule 20B (transitional cases).]

Textual Amendments

F84 S. 247A inserted (E.W.) (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020](#) (c. 3), [ss. 1\(2\), 10\(4\)](#)

Changes to legislation: *Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F85** Words in s. 247A(2) substituted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 45(2)(a)(i)**
- F86** S. 247A(2)(a) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 27(2)(a), 50(2)(n)**
- F87** S. 247A(2)(b)(c) substituted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 45(2)(a)(ii)**
- F88** S. 247A(2A) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 27(2)(b), 50(2)(n)**
- F89** Words in s. 247A(6) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 226(3)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F90** Word in s. 247A(6) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 21(4)(a)**
- F91** Words in s. 247A(6) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 9(4)(a)**
- F92** S. 247A(7A) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 45(2)(b)**
- F93** Words in s. 247A(8) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 226(4)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F94** Word in s. 247A(8) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 21(4)(b)**
- F95** Words in s. 247A(8) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 9(4)(b)**
- F96** Words in s. 247A(8) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 144(8), 208(5)(p)**
- F97** Words in s. 247A(8) substituted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 45(2)(c)**
- F98** Word in s. 247A(9)(a) substituted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 45(2)(d)**
- F99** S. 247A(10A) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 45(2)(e)**

248 Power to release prisoners on compassionate grounds

- (1) The Secretary of State may at any time release a fixed-term prisoner on licence if he is satisfied that exceptional circumstances exist which justify the prisoner’s release on compassionate grounds.

F100(2)

Textual Amendments

F100 S. 248(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 116(2), 151(1)** (with Sch. 15); S.I. 2012/2906, art. 2(d)

Commencement Information

I4 S. 248 wholly in force at 4.4.2005; s. 248 not in force at Royal Assent, see s. 336(3); s. 248(1) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2, Sch.**; s. 248 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1), Sch. 1 para. 19** (subject to [art. 2\(2\), Sch. 2](#))

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

249 Duration of licence

- (1) Subject to [F101subsection (3)], where a fixed-term prisoner[F102, other than one to whom section 243A applies,] is released on licence, the licence shall, subject to any revocation under section 254 or 255, remain in force for the remainder of his sentence.
- [F103(1A) Where a prisoner to whom section 243A applies is released on licence, the licence shall, subject to any revocation under section 254 or 255, remain in force until the date on which, but for the release, the prisoner would have served one-half of the sentence.
- This is subject to subsection (3).]
- F104(2)
- (3) [F105Subsections (1) and (1A) have] effect subject to [F106section] 263(2) (concurrent terms) [F107and sections 264(3C)(a) and 264B]F108 ... (consecutive terms) F109
- F110(4)
- [F111(5) This section is subject to paragraphs 17, 19 and 26 of Schedule 20B (transitional cases).]

Textual Amendments

- F101** Words in s. 249(1) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(a\)](#); S.I. 2012/2906, art. 2(h)
- F102** Words in s. 249(1) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(2\)](#); S.I. 2012/2906, art. 2(l)
- F103** S. 249(1A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(3\)](#); S.I. 2012/2906, art. 2(l)
- F104** S. 249(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(b\)](#); S.I. 2012/2906, art. 2(h)
- F105** Words in s. 249(3) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(4\)\(a\)](#); S.I. 2012/2906, art. 2(l)
- F106** Word in s. 249(3) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 5\(4\)\(a\), 22\(1\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(e)
- F107** Words in s. 249(3) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 5\(4\)\(b\), 22\(1\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(e)
- F108** Words in s. 249(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 8\(4\)\(b\)](#); S.I. 2012/2906, art. 2(l)
- F109** Words in s. 249(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(c\)](#); S.I. 2012/2906, art. 2(h)
- F110** S. 249(4) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 24\(d\)](#); S.I. 2012/2906, art. 2(h)
- F111** S. 249(5) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 17 para. 4](#); S.I. 2012/2906, art. 2(o)

Commencement Information

- I5** S. 249 wholly in force at 4.4.2005; s. 249 not in force at Royal Assent, see s. 336(3); s. 249 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 249 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\)](#) Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

250 Licence conditions

(1) In this section—

- (a) “the standard conditions” means such conditions as may be prescribed for the purposes of this section as standard conditions, and
- (b) “prescribed” means prescribed by the Secretary of State by order.

^{F112}(2)

^{F113}(2A)

^{F114}(3)

(4) Any licence under this Chapter in respect of a prisoner serving a sentence of imprisonment ^{F115}... (including ^{F115}... a sentence imposed under section [^{F116}226A][^{F117}, 227 or 236A][^{F118} or under section 278 [^{F119}, 279 or 282A] of the Sentencing Code] or any sentence of detention under section 91 [^{F120} or 96] of [^{F121}the PCC(S)A 2000, under section 250, [^{F122}252A,] 254, 262, 265 [^{F123}, 266 or 268A] of the Sentencing Code or under] section [^{F124}226A, 226B,][^{F125}227][^{F126}, 228 or 236A] of this Act—

(a) must include the standard conditions,

[^{F127}(aa) must include any electronic monitoring conditions required by an order under section 62A of the Criminal Justice and Court Services Act 2000,] and

(b) may include—

(i) any [^{F128}other] condition authorised by section 62[^{F129}, 64 or 64A] of the Criminal Justice and Court Services Act 2000 [^{F130} or section 28 of the Offender Management Act 2007], and

(ii) such other conditions of a kind prescribed by the Secretary of State for the purposes of this paragraph as the Secretary of State may for the time being specify in the licence.

[^{F131}(4A) In exercising any power under subsection (4)(b) in respect of an offender, the Secretary of State must have regard to any recommendation under section 328 of the Sentencing Code (power of court to recommend licence conditions where adult is sentenced to term of 12 months or more).]

(5) A licence under section 246 must also include a curfew condition complying with section 253.

[^{F132}(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

(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.]

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F133(5BA)

F134(6)

F135(7)

(8) In exercising his powers to prescribe standard conditions or the other conditions referred to in subsection (4)(b)(ii), the Secretary of State must have regard to the following purposes of the supervision of offenders while on licence under this Chapter—

- (a) the protection of the public,
- (b) the prevention of re-offending, and
- (c) securing the successful re-integration of the prisoner into the community.

F136(9)

Textual Amendments

- F112** S. 250(2) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 25(a)**; S.I. 2012/2906, art. 2(h)
- F113** S. 250(2A) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 25(a)**; S.I. 2012/2906, art. 2(h)
- F114** S. 250(3) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 25(a)**; S.I. 2012/2906, art. 2(h)
- F115** Words in s. 250(4) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 9**; S.I. 2012/2906, art. 2(l)
- F116** Words in s. 250(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 6(2)(a)**; S.I. 2012/2906, art. 2(r)
- F117** Words in s. 250(4) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 17(2)(a)**; S.I. 2015/778, art. 3, Sch. 1 para. 72
- F118** Words in s. 250(4) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 227(2)(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F119** Words in s. 250(4) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 9(5)(a)**
- F120** Words in s. 250(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 117(5)(a)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F121** Words in s. 250(4) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 227(2)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F122** Word in s. 250(4) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 21(5)(a)**
- F123** Words in s. 250(4) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 9(5)(b)**
- F124** Words in s. 250(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 6(2)(b)**; S.I. 2012/2906, art. 2(r)
- F125** Words in s. 250(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 117(5)(b)**, 151(1) (with Sch. 15); S.I. 2012/2906, art. 2(d)
- F126** Words in s. 250(4) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 17(2)(b)**; S.I. 2015/778, art. 3, Sch. 1 para. 72
- F127** S. 250(4)(aa) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 2 para. 4(2)** (with s. 7(5)); S.I. 2015/778, art. 3, Sch. 1 para. 73
- F128** Word in s. 250(4)(b)(i) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 2 para. 4(3)** (with s. 7(5)); S.I. 2015/778, art. 3, Sch. 1 para. 73

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F129** Words in s. 250(4)(b)(i) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 12\(2\), 22\(1\)](#) (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(k)
- F130** Words in s. 250(4)(b)(i) inserted (for specified purposes and with effect in accordance with art. 5 of the commencing S.I., 6.1.2014 in so far as not already in force) by [Offender Management Act 2007 \(c. 21\), ss. 28\(5\), 41\(1\)](#); S.I. 2009/32, arts. 3(a), 4; S.I. 2013/1963, art. 2(1)
- F131** S. 250(4A) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 227\(3\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F132** S. 250(5A)-(5C) substituted for s. 250(5A)-(5B) (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 134\(2\), 208\(1\)](#) (with s. 134(4)-(7)); S.I. 2022/520, [reg. 5\(o\)](#)
- F133** S. 250(5BA) omitted (30.4.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\), Sch. 13 para. 45\(3\)\(c\)](#)
- F134** S. 250(6) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 25\(a\)](#); S.I. 2012/2906, art. 2(h)
- F135** S. 250(7) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\), ss. 5\(5\), 22\(1\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(e)
- F136** S. 250(9) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 134\(3\), 208\(1\)](#) (with s. 134(4)-(7)); S.I. 2022/520, [reg. 5\(o\)](#)

Commencement Information

I6 S. 250 partly in force; s. 250 not in force at Royal Assent, see s. 336(3); s. 250(1)-(3)(5)-(8) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 250(1)(2)(b)(ii)(4)(b)(ii)(8) in force at 7.3.2005 by [S.I. 2005/373, art. 2](#); s. 250(1)(4)-(7) in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 19](#) (subject to [art. 2\(2\), Sch. 2](#))

F137 251 Licence conditions on re-release of prisoner serving sentence of less than 12 months

.....

Textual Amendments

F137 S. 251 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 26](#); S.I. 2012/2906, art. 2(h)

Commencement Information

I7 S. 251 partly in force; s. 251 not in force at Royal Assent, see s. 336(3); s. 251 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#)

252 Duty to comply with licence conditions

[^{F138}(1)] A person subject to a licence under this Chapter must comply with such conditions as may for the time being be specified in the licence.

[^{F139}(2) But where—

- (a) the licence relates to a sentence of imprisonment passed by a service court, [^{F140}and]
- ^{F141}(b)
- (c) the person is residing outside the British Islands,

the conditions specified in the licence apply to him only so far as it is practicable for him to comply with them where he is residing.]

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Textual Amendments

- F138** S. 252 renumbered (28.3.2009 for certain purposes, otherwise 31.10.2009) as s. 252(1) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 224\(1\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F139** S. 252(2) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 224\(2\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F140** Word in s. 252(2)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 27\(a\)](#); S.I. 2012/2906, [art. 2\(h\)](#)
- F141** S. 252(2)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 27\(b\)](#); S.I. 2012/2906, [art. 2\(h\)](#)

Commencement Information

- I8** S. 252 wholly in force at 4.4.2005; s. 252 not in force at Royal Assent, see s. 336(3); s. 252 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 252 in force in so far as not already in force at 4.4.2005 by S.I 2005/950, {art. 2(1)}, Sch. 1 para. 19 (subject to art. 2(2), Sch. 2)

253 Curfew condition to be included in licence under section 246^{F142}, 255B or 255C]

- (1) For the purposes of this Chapter, a curfew condition is a condition which—
- (a) requires the released person to remain, for periods for the time being specified in the condition, at a place for the time being so specified (which may be premises approved by the Secretary of State under [^{F143}section 13 of the Offender Management Act 2007 (c.21)]), and
 - (b) includes [^{F144}a requirement, imposed under section 62 of the Criminal Justice and Court Services Act 2000, to submit to] electronic monitoring of his whereabouts during the periods for the time being so specified.
- (2) The curfew condition may specify different places or different periods for different days, but may not specify periods which amount to less than 9 hours in any one day (excluding for this purpose the first and last days of the period for which the condition is in force).
- (3) The curfew condition is to remain in force until the date when the released person would (but for his release) fall to be released [^{F145}unconditionally under section 243A or] on licence under section 244.

^{F146}(4)

^{F147}(5)

- (6) Nothing in this section is to be taken to require the Secretary of State to ensure that arrangements are made for the electronic monitoring of released persons' whereabouts in any particular part of England and Wales.

Textual Amendments

- F142** Words in s. 253 heading inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. 114(3), 151(1) (with Sch. 15); S.I. 2012/2906, [art. 2\(d\)](#)
- F143** Words in s. 253(1)(a) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), [art. 3](#), [Sch. 1 para. 19\(14\)](#)

Changes to legislation: *Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F144** Words in s. 253(1) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 2 para. 5\(2\)](#) (with s. 7(5)); S.I. 2015/778, art. 3, Sch. 1 para. 73
- F145** Words in s. 253(3) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 14 para. 10](#); S.I. 2012/2906, art. 2(1)
- F146** S. 253(4) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 28](#); S.I. 2012/2906, art. 2(h)
- F147** S. 253(5) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 2 para. 5\(3\)](#) (with s. 7(5)); S.I. 2015/778, art. 3, Sch. 1 para. 73

Commencement Information

- I9** S. 253 wholly in force at 4.4.2005; s. 253 not in force at Royal Assent, see s. 336(3); s. 253 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 253(5) in force at 7.3.2005 by [S.I. 2005/373, art. 2](#); s. 253 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 19](#) (subject to [art. 2\(2\), Sch. 2](#))

Changes to legislation:

Criminal Justice Act 2003, Cross Heading: Release on licence is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))

- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)