



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 6

#### [<sup>F1</sup> RELEASE, LICENCES<sup>F1</sup>, SUPERVISION] AND RECALL ]

#### *Release on licence*

#### **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<sup>F1</sup>, other than a prisoner to whom section 247A applies].

(2) As soon as—

(a) a prisoner to whom this section applies has served [<sup>F2</sup>the requisite custodial period],<sup>F3</sup> . . .

(b) <sup>F4</sup> . . . . .

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

(3) <sup>F5</sup> . . . . .

(4) <sup>F6</sup> . . . . .

(5) <sup>F7</sup> . . . . .

(6) <sup>F8</sup> . . . . .

[<sup>F9</sup>(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;

*Changes to legislation: Criminal Justice Act 2003, Section 247 is up to date with all changes known to be in force on or before 11 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*

“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 [<sup>F10</sup>264(2B) or (2E)].]

[<sup>F11</sup>(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

- F1** Words in s. 247(1) inserted (26.2.2020) by [Terrorist Offenders \(Restriction of Early Release\) Act 2020 \(c. 3\), ss. 2\(7\), 10\(4\)](#)
- F2** 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
- F3** Word at the end of s. 247(2)(a) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(2\)\(a\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para.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)
- F4** S. 247(2)(b) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 25\(2\)\(b\), 149, 153, Sch. 28 Pt. 2](#); S.I. 2008/1586, art. 2(1), Sch. 1 para.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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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
- F10** Words in s. 247(7) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 144\(7\), 208\(5\)\(p\)](#)
- F11** 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)

#### 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](#))

#### Commencement Information

- I1** 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)

**Changes to legislation:**

Criminal Justice Act 2003, Section 247 is up to date with all changes known to be in force on or before 11 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.

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**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](#)