



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 3

#### SENTENCING AND PUNISHMENT OF OFFENDERS

### CHAPTER 4

#### RELEASE ON LICENCE ETC

#### *Release*

#### **111 Prisoners serving less than 12 months**

(1) After section 243 of the Criminal Justice Act 2003 insert—

#### *“Unconditional release*

#### **243A Duty to release prisoners serving less than 12 months**

- (1) This section applies to a fixed-term prisoner who is serving a sentence which is for a term of less than twelve months.
- (2) As soon as a 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 that person unconditionally.
- (3) For the purposes of this section “the requisite custodial period” is—
  - (a) in relation to a person serving a sentence of imprisonment for a term of less than twelve months or a determinate sentence of detention under

---

*Status: This is the original version (as it was originally enacted).*

---

section 91 or 96 of the Sentencing Act for such a term, one-half of the sentence, and

- (b) in relation to a person serving two or more concurrent or consecutive sentences, the period determined under sections 263(2) and 264(2).

(4) This section is subject to—

- (a) section 256B (supervision of young offenders after release), and
- (b) paragraph 8 of Schedule 20B (transitional cases)."

(2) Schedule 14 (amendments consequential on subsection (1)) has effect.

## **112 Restrictions on early release subject to curfew**

(1) In section 246 of the Criminal Justice Act 2003 (power to release prisoners on licence), subsection (4) is amended as follows.

(2) After paragraph (a) insert—

“(aa) the sentence is for a term of 4 years or more.”.

(3) In paragraph (g)—

- (a) for “during the currency of the sentence” substitute “at any time”, and
- (b) at the end insert “(and the revocation has not been cancelled under section 255(3))”.

(4) Omit the “or” at the end of paragraph (h) and after that paragraph insert—

“(ha) the prisoner has at any time been returned to prison under section 40 of the Criminal Justice Act 1991 or section 116 of the Sentencing Act, or”.

(5) After subsection (4) of that section insert—

“(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.”

(6) In subsection (6) of that section, at the end insert—

““term of imprisonment” includes a determinate sentence of detention under section 91 or 96 of the Sentencing Act or under section 227 or 228 of this Act.”