
Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, SCHEDULE 14 is up to date with all changes known to be in force on or before 19 April 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

SCHEDULES

SCHEDULE 14

Section 111

PRISONERS SERVING LESS THAN 12 MONTHS: CONSEQUENTIAL AMENDMENTS

Road Traffic Offenders Act 1988 (c. 53)

- 1 In section 35A of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence also imposed)—
- (a) in subsection (8), after “section” insert “ 243A(3)(a), ”;
 - (b) in subsection (9)(a), after “in respect of section” insert “ 243A(3)(a) or ”.

Crime (Sentences) Act 1997 (c. 43)

- 2 In Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands), in paragraphs 8(2)(a) and 9(2)(a), after “sections 241,” insert “ 243A, ”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

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Textual Amendments

- F1** Sch. 14 para. 3 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

International Criminal Court Act 2001 (c. 17)

- 4 In Schedule 7 to the International Criminal Court Act 2001 (domestic provisions not applicable to ICC prisoners), in paragraph 3(1), for “sections 244” substitute “ sections 243A ”.

Criminal Justice Act 2003 (c. 44)

- 5 The Criminal Justice Act 2003 is amended as follows.
- 6 (1) Section 244 (duty to release prisoners on licence) is amended as follows.
- (2) In subsection (1)—
- (a) after “section” in the first place it appears insert “ 243A or ”;
 - (b) after “the requisite custodial period” insert “ for the purposes of this section ”.
- (3) In subsection (3)—
- (a) for “In this section” substitute “ For the purposes of this section ”;

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- (b) in paragraph (a)—
- (i) for “any” substitute “ a ”;
 - (ii) after “the Sentencing Act” insert “ for such a term ”.
- 7 In section 246(6) (power to release prisoners early: definitions), in the definition of “the requisite custodial period”, after “has the meaning given by” insert “ paragraph (a) or (b) of section 243A(3) or (as the case may be) ”.
- 8 (1) Section 249 (duration of licence) is amended as follows.
- (2) In subsection (1), after “a fixed-term prisoner” insert “ , other than one to whom section 243A applies, ”.
 - (3) After subsection (1) insert—

“(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).”
 - (4) In subsection (3)—
 - (a) for “Subsection (1) has” substitute “ Subsections (1) and (1A) have ”;
 - (b) omit “and (4)”.
- 9 In section 250(4) (licence conditions) omit “for a term of twelve months or more” and “such” in the first place it appears.
- 10 In section 253(3) (period for which curfew condition to remain in force), after “fall to be released” insert “ unconditionally under section 243A or ”.
- 11 In section 260 (early removal of prisoners liable to removal from UK)—
- (a) in subsection (5), after “section” in the second place it appears insert “ 243A, ”;
 - (b) in subsection (7), after “has the meaning given by” insert “ paragraph (a) or (b) of section 243A(3) or (as the case may be) ”.
- 12 (1) Section 261 (re-entry to UK of offender removed early) is amended as follows.
- (2) In subsection (5), for “section 244” substitute “ section 243A or 244 (as the case may be) ”.
 - (3) In subsection (6)—
 - (a) in the definition of “requisite custodial period”, after “has the meaning given by” insert “ paragraph (a) or (b) of section 243A(3) or (as the case may be) ”;
 - (b) in the definition of “sentence expiry date”—
 - (i) after “but for his” insert “ release from prison and ”;
 - (ii) for “ceased to be subject to a licence” substitute “ served the whole of the sentence ”.
- 13 In section 263(2) (concurrent terms)—
- (a) after paragraph (a) insert—
 - “(aa) the offender's release is to be unconditional if section 243A so requires in respect of each of the sentences (and in any other case is to be on licence),”;

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- (b) in paragraph (b), after “each of the others” insert “ to which that section applies ”;
 - (c) in paragraph (c), after “release under this Chapter” insert “ (unless that release is unconditional) ”.
- 14 In section 264 (consecutive terms)—
- (a) in subsection (2), omit “on licence”;
 - (b) in subsection (3), for “any of the terms of imprisonment is a term of twelve months or more” substitute “ the aggregate length of the terms of imprisonment is 12 months or more ”;
 - (c) after subsection (3) insert—
 - “(3A) Where the aggregate length of the terms of imprisonment is less than 12 months, the offender's release under this Chapter is to be unconditional.”;
 - (d) omit subsections (4) and (5);
 - (e) in subsection (6)(a)(ii)—
 - (i) for “a term of twelve months or more” substitute “ any other sentence ”;
 - (ii) for “the term” substitute “ the sentence ”;
 - (f) in subsection (7), omit “of 12 months or more”.
- 15 In section 267 (alteration by order of proportion of sentence), after “any reference in” insert “ section 243A(3)(a), ”.
- 16 The heading of Chapter 6 of Part 12 becomes “ Release, licences and recall ”.

Commencement of repeal

- 17 The repeal by section 303(a) of the Criminal Justice Act 2003 of sections 33 to 51 of the Criminal Justice Act 1991 has effect in relation to any sentence of imprisonment which—
- (a) is of less than 12 months (whether or not such a sentence is imposed to run concurrently or consecutively with another such sentence), and
 - (b) is imposed in respect of an offence committed on or after 4 April 2005,
- and paragraph 14 of Schedule 2 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Savings Provisions) Order 2005 (S.I. 2005/950) is accordingly revoked.

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2016/286, art. 4(1) by [S.I. 2017/225 art. 2](#)

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

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

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

- s. 9(3)(4) inserted by [2022 c. 36 s. 25\(2\)](#)
- s. 9A inserted by [2023 c. 32 s. 89\(3\)](#)
- s. 9B inserted by [2023 c. 32 s. 90](#)
- s. 10(3A)-(3E) inserted by [2022 c. 36 s. 67](#)
- Sch. 1 Pt. 1 para. 31ZA and cross-heading inserted by [2022 c. 36 s. 25\(1\)](#)
- Sch. 1 Pt. 1 para. 31B and cross-heading inserted by [2022 c. 36 s. 57\(2\)](#)
- Sch. 1 Pt. 1 para. 19(1A)(1B) and heading inserted by [2022 c. 36 s. 66\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 19(2A) inserted by [2022 c. 36 s. 66\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 19(8A) and heading inserted by [2022 c. 36 s. 66\(2\)\(c\)](#)
- Sch. 1 Pt. 1 para. 25(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 26(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 27(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 27A(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 25(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 26(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 27(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 27A(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 30(1A) and heading inserted by [2022 c. 36 s. 66\(4\)\(a\)](#)
- Sch. 1 Pt. 1 para. 30(2A) inserted by [2022 c. 36 s. 66\(4\)\(b\)](#)
- Sch. 1 Pt. 1 para. 30(3A) and heading inserted by [2022 c. 36 s. 66\(4\)\(c\)](#)
- Sch. 1 Pt. 1 para. 31A(2A) and heading inserted by [2022 c. 36 s. 66\(5\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31A(3A)(3B) and heading inserted by [2022 c. 36 s. 66\(5\)\(b\)](#)
- Sch. 1 Pt. 1 para. 19(6A) inserted by [2023 c. 37 s. 56\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31C inserted by [2023 c. 37 s. 56\(3\)](#)
- Sch. 1 Pt. 1 para. 27A(1) inserted by [S.I. 2017/617 reg. 3\(4\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 11(1A) inserted by [S.I. 2023/150 art. 4\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 11(3A) inserted by [S.I. 2023/150 art. 4\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 2(1)(b) omitted by [2018 anaw 2 Sch. 1 para. 21\(2\)\(a\)\(ii\)](#)
- Sch. 1 Pt. 1 para. 45(2) omitted by [2023 c. 32 s. 91\(2\)](#)
- Sch. 1 Pt. 1 para. 45(3) substituted by [2023 c. 32 s. 91\(3\)](#)
- Sch. 1 Pt. 1 para. 26(1) substituted by [S.I. 2017/617 reg. 3\(2\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))

- Sch. 1 Pt. 1 para. 27(1) substituted by [S.I. 2017/617 reg. 3\(3\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 19(10) words inserted by [2023 c. 37 s. 56\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words inserted by [S.I. 2023/147 art. 2\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words inserted by [S.I. 2023/147 art. 2\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words omitted by [2016 c. 19 Sch. 11 para. 2\(1\)](#)
- Sch. 1 Pt. 1 para. 45(4) words omitted by [2023 c. 32 s. 91\(4\)](#)
- Sch. 1 Pt. 1 para. 26 heading words substituted by [S.I. 2017/617 reg. 3\(2\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 27 heading words substituted by [S.I. 2017/617 reg. 3\(3\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 16A inserted by [2023 c. 37 s. 56\(4\)](#)
- Sch. 1 Pt. 3 para. 11(b) and word inserted by [S.I. 2017/617 reg. 3\(6\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 8(b) omitted by [S.I. 2017/617 reg. 3\(5\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 11(a) and word omitted by [S.I. 2017/617 reg. 3\(6\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 4 para. 8 inserted by [2022 c. 36 s. 66\(6\)](#)