
STATUTORY INSTRUMENTS

1992 No. 1829

PRISONS

The Parole Board (Transfer of Functions) Order 1992

Made - - - - *18th July 1992*

Coming into force - - *1st October 1992*

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred upon me by section 50(1) of the Criminal Justice Act 1991(1), and after consultation with the Parole Board in accordance with the said section 50(1), I hereby make the following Order:

1.—(1) This Order may be cited as the Parole Board (Transfer of Functions) Order 1992 and shall come into force on 1st October 1992.

(2) Any reference in this Order to a section is a reference to a section of the Criminal Justice Act 1991.

(3) In this Order, “long-term prisoner” has the meaning assigned to it by section 33(5), as extended by section 43(1).

2. For the purposes of section 50(1), the class of case specified in this Order is that of a long-term prisoner serving a sentence of imprisonment for a term of less than seven years which was imposed upon him on or after 1st October 1992.

3. In relation to the class of case specified in article 2 above, sections 35 (power to release long-term and life prisoners), 37 (duration and conditions of licences) and 39 (recall of long-term and life prisoners while on licence) shall have effect subject to the modifications specified in subsections (2), (3) and (4), respectively, of section 50.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Home Office

18th July 1992

Kenneth Clarke
One of Her Majesty's Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Order)

Section 35(1) of the Criminal Justice Act 1991 (“the 1991 Act”) provides that after a long-term prisoner has served one-half of his sentence, the Secretary of State may, if recommended to do so by the Parole Board, release him on licence. Section 37(5) of the 1991 Act provides, *inter alia*, that the Secretary of State shall not include on release, or subsequently insert, a condition in the licence of a long-term prisoner, or vary or cancel any such condition, except after consultation with the Board. In relation to a long-term prisoner, section 39(1) of the 1991 Act provides that the Secretary of State may, if recommended to do so by the Board, revoke his licence and recall him to prison, and section 39(2) allows the Secretary of State to revoke his licence in the public interest without such a recommendation.

This Order provides that, in relation to any long-term prisoner who is serving a sentence of imprisonment for a term of less than seven years which was imposed upon him on or after 1st October 1992, the above provisions shall have effect subject to the modifications specified in subsections (2), (3) and (4) of section 50 of the 1991 Act. Section 35(1) is modified by section 50(2) with the effect that the Secretary of State shall, if recommended to do so by the Board, release such a prisoner on licence when he has served one-half of his sentence. Section 37(5) is modified by section 50(3) with the effect that the Secretary of State shall not include on release, or subsequently insert, a condition in the licence of such a prisoner, or vary or cancel any such condition, except in accordance with recommendations of the Board. Section 39 is modified by section 50(4) with the effect that the Secretary of State shall, if recommended to do so by the Board, revoke such a prisoner’s licence and recall him to prison, but may not revoke his licence without the Board’s recommendation.