

# **Offenders (Day of Release from Detention) Bill**

## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Ministry of Justice with the consent of Simon Fell, the Member in charge of the Bill, are published separately as Bill 24—EN.

# **Offenders (Day of Release from Detention) Bill**

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[AS INTRODUCED]

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[AS INTRODUCED]

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# B I L L

TO

Make provision about the days on which offenders are released from detention; and for connected purposes.

**B**E IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Days on which offenders may be released from detention

(1) Section 23 of the Criminal Justice Act 1961 (Prison Rules) is amended as follows.

(2) In subsection (3), after “shall” insert “(subject to subsection (3B))”.

(3) Before subsection (4) insert—

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“(3B) The Secretary of State may direct that a prisoner who would, apart from this subsection, be discharged on a working day immediately before a non-working day, must instead be discharged on a day referred to in subsection (3C).

(3C) The days are—

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- (a) the last eligible working day before the day on which the prisoner would otherwise be discharged;
- (b) the last eligible working day before that eligible working day.

(3D) In this section—

“eligible working day” means a working day that is not immediately followed by a non-working day;

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“non-working day” means—

- (a) a Saturday or Sunday, Christmas Day, or Good Friday, or
- (b) any day that is a bank holiday under section 1 of the Banking and Financial Dealings Act 1971 in England and Wales;

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“working day” means a day that is not a non-working day.”

## (4) After subsection (4) insert –

“(5) In subsections (3), (3B) and (3C), the references to a prisoner also include references to a person detained in –

- (a) a secure children’s home, or
- (b) a secure 16 to 19 Academy,

in pursuance of a sentence or order referred to in section 163(1) of the Police, Crime, Sentencing and Courts Act 2022.

## (6) In subsection (5) –

“secure children’s home” means –

- (a) a children’s home in England, within the meaning given in section 1 of the Care Standards Act 2000, which provides accommodation for the purposes of restricting liberty;
- (b) residential premises in Wales which provide a secure accommodation service, within the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);

“secure 16 to 19 Academy” has the meaning given in section 1B of the Academies Act 2010.”

**2 Offenders detained under International Criminal Court Act 2001**

In paragraph 2(1)(c) of Schedule 7 to the International Criminal Court Act 2001 (domestic provisions not applicable to persons detained pursuant to a sentence of the International Criminal Court) –

- (a) after “section 23(3)” insert “and (3B)”;
- (b) for “or on a holiday” substitute “, on a holiday or on a working day immediately before a non-working day”.

**3 Extent, commencement and short title**

- (1) Section 1 extends to England and Wales.
- (2) Section 2 and this section extend to England and Wales, Scotland and Northern Ireland.
- (3) This Act comes into force on such day as the Secretary of State may by regulations appoint.
- (4) This Act may be cited as the Offenders (Day of Release from Detention) Act 2022.

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*Presented by Simon Fell*

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