

Counter-Terrorism and Sentencing Bill

AMENDMENT
TO BE MOVED
ON REPORT

Clause 27

LORD CARLILE OF BERRIEW

Leave out Clause 27 and insert the following new Clause—

“Continued imprisonment of terrorist prisoners during the extension period of an extended sentence of imprisonment

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 247A(7) (restricted eligibility for release on licence of terrorist prisoners), at the beginning insert “Subject to section 247B,”.
- (3) After section 247A insert—

“247B Continued imprisonment of terrorist prisoners during extension period of an extended sentence of imprisonment

 - (1) This section applies to a terrorist prisoner within the meaning of section 247A, where—
 - (a) an extended sentence of imprisonment was imposed on the prisoner under section 226A or 226B, or under section 254, 266, 268A, 279 or 282A of the Sentencing Code, and
 - (b) the prisoner is in custody, in accordance with section 247A, immediately before the expiry of the appropriate custodial term.
 - (2) The prisoner must only be released under section 247A(7) in accordance with the provisions of this section.
 - (3) It is the duty of the Secretary of State to refer the case of the prisoner to the Board—
 - (a) as soon as the prisoner has served the appropriate custodial term, and
 - (b) if the prisoner is still in custody, every year, before the anniversary of the conclusion of the appropriate custodial term.
 - (4) It is the duty of the Secretary of State to release the prisoner on licence as soon as the Board has directed the release of the prisoner under this section.
 - (5) The Board must not give a direction under subsection (4) unless—
 - (a) the Secretary of State has referred the prisoner’s case to the Board, and

Clause 27 - *continued*

- (b) the Board is satisfied that—
 - (i) the prisoner does not represent a grave risk to the public, and
 - (ii) it is no longer necessary for the protection of the public that the prisoner should be confined.
- (6) Where the Secretary of State has not released the prisoner in accordance with subsection (4) by the conclusion of the extension period, it is the duty of the Secretary of State to release the prisoner immediately upon the conclusion of the extension period.
- (7) For the purposes of this section—
 - “appropriate custodial term” has the same meaning as in section 247A,
 - “extension period”, in relation to a sentence imposed under section 226A or 226B, or under section 254, 266, 268A, 279 or 282A of the Sentencing Code, means the period determined as such by the court under that provision.
- (8) Nothing in this section affects the duty of the Secretary of State to release a person whose release has been directed by the Board before this section comes into force.”

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22 February 2021
