

Flowchart – Release from Sentence

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This document relates to offenders receiving immediate custodial sentences other than life, for non-terrorism offences. It applies to sentences passed on or after 28th June 2022 and is subject to the Home Secretary’s overarching power to refer any prisoner to the Parole Board under section 244ZB and ZC of the Criminal Justice Act 2003 (as inserted by section 132 of the Police, Crime, Sentencing and Courts Act 2022).

1. Is it an extended sentence?

Has the defendant been found to be dangerous and given an extended sentence (whether prison, YOI or youth detention)?

If yes: serve 2/3 and then referral to the Parole Board.

If no: go to Question 2.

2. Are they an offender of particular concern?

Has the defendant been sentenced as an offender of particular concern under s265 (YOI) or s278 (imprisonment) of the Sentencing Act 2020?

- This will be the case if the offence was under s5 or s6 of the Sexual Offences Act 2003, an inchoate offence relating to one of those offences or a now abolished offence that would amount to one of those offences if committed now.

If yes: serve 2/3 and then referral to the Parole Board.

If no: go to Question 3.

3. Have they received at least 7 years for a specified offence for which life is available?

Has the defendant been sentenced to 7 years' or more imprisonment (or YOI) for an offence specified under Part 1 or Part 2 of [Schedule 15 of the Criminal Justice Act 2003](#), for which an adult offender could have received life?

If yes, serve 2/3 and then automatic release.

If no, go to Question 4.

4. Is it an offence under s244ZA(7) of the Criminal Justice Act 2003?

Has the defendant been sentenced for an offence listed in s244ZA(7) of the CJA 2003 (inserted by [s130 of the Police, Crime, Sentencing and Courts Act 2022](#))?

These offences are:

- Soliciting, attempting, inciting or conspiracy to commit murder;
- Manslaughter;
- s18;
- encouraging or assisting, aiding, abetting, counselling, procuring, attempting, inciting or conspiring to commit any of the above;
- encouraging or assisting any of the above (under Part 2 of the Serious Crime);
- any sexual offence listed in Part 2 of Schedule 15 of the Criminal Justice Act 2003, for which an adult offender could receive a sentence of life imprisonment.

If so, were they sentenced to:

- at least 4 year's imprisonment;
- at least 4 years' YOI;
- at least 7 years' detention under s250 of the Sentencing Act 2020?

If yes: serve 2/3 and then automatic release.

If no: serve half and then automatic release.

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