

Annex B:
Information regarding CJC Act 2015 Section 12
Unlawfully at Large Offence

Context for offenders:

When you are released on a licence you are expected to abide by the licence conditions which have been explained to you by probation and prison staff. If you do not abide by these licence conditions then your licence may be revoked, and you will be returned to custody.

If your licence has been revoked but the police are unable to apprehend you to return you to custody, then you may also be committing a new offence. The police and the Crown Prosecution Service can decide to charge you with the offence of being unlawfully at large following a recall. This will be a new charge, in addition to your index offence; and if you are found guilty you may face up to two years in custody or a fine.

Frequently Asked Questions:

Q.) Who tells the police that I am to be recalled?

A.) Public Protection Casework Section, at the request of your Offender Manager, will authorise your recall and inform the police that you are to be apprehended.

Q.) What if I have a reasonable excuse for why I have not been returned to custody?

A.) The police will investigate any claims for why you have not been apprehended, and assess whether there is a reasonable excuse for why you have not been returned to custody before any potential charge is made.

Q.) Will this be additional to the recall?

A.) Yes. If it is decided to go ahead with the charge, then it will be a new offence in addition to your index offence and recall.

Q.) Who decides whether or not to charge?

A.) The final decision on whether or not to charge you will reside with the Crown Prosecution Service, who will rely on the evidence presented by the police, Public Protection Casework Section and your probation service.

Q.) Does this mean I will have to go back to court?

A.) Yes. If it is decided to go ahead with the charge, then the charge will be heard in court.

Q.) What penalties could I face?

A.) If found guilty you could face a fine or up to two years' imprisonment.

Q.) Under what legislation would I be charged?

A.) If you are serving an indeterminate sentence you will be charged under section 32ZA of the Crime (Sentences) Act 1997; if you are serving a determinate sentence you will be charged under section 255ZA of the Criminal Justice Act 2003.