Draft Order laid before Parliament under section 330(5)(a) of the Criminal Justice Act 2003 (c. 44), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

PRISONS, ENGLAND AND WALES

The Criminal Justice Act 2003 (Removal of Prisoners for Deportation) Order 2025

Made - - - -	***
Coming into force - -	*23rd September 2025*

The Secretary of State makes this Order in exercise of the powers conferred by section 260(6) of the Criminal Justice Act 2003(**a**).

In accordance with section 330(5)(a) of that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Criminal Justice Act 2003 (Removal of Prisoners for Deportation) Order 2025.

(2) This Order comes into force on 23rd September 2025.

(3) This Order extends to England and Wales only.

Amendment to section 260 of the Criminal Justice Act 2003

2. Section 260(2)(**b**) of the Criminal Justice Act 2003 is amended as follows—

(a) in paragraph (a), for "one half" substitute "30%";

(b) in paragraph (b), for "545 days" substitute "4 years".

Secretary of State
Ministry of Justice

(**a**) 2003 c. 44. Paragraphs (a) and (b) of section 260(6) were substituted for paragraphs (a) to (c) of section 260(6) by section 47(8) of the Nationality and Borders Act 2022 (c. 36).

(**b**) Subsections (1) and (2) of section 260 were substituted for subsections (1) to (2B) of section 260 by section 47(3) of the Nationality and Borders Act 2022 (c. 36). Section 260(2)(b) was amended by S.I. 2023/1368.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 260 of the Criminal Justice Act 2003 (c. 44) ("the 2003 Act").

Sections 260 and 261 of the 2003 Act allow for the removal of foreign nationals serving a determinate sentence from prison for the purposes of deportation from the UK. As currently drafted, section 260(2) provides that the Secretary of State may remove from prison an eligible fixed-term prisoner up to 545 days (18 months) before their automatic release point once they have served at least half of the custodial part of their sentence (the current minimum pre-removal custodial period). Both the percentage that needs to be served before removal and the period in which an offender can be removed are being amended by this Statutory Instrument.

This Order increases the maximum removal period in section 260 by substituting a reference to thirty percent, in place of the previous reference to one half and a reference to 4 years, in place of the previous reference to 545 days. This means that the pre-removal custodial period is now the later date of a) 30% of the requisite custodial period or b) 4 years before the end of the requisite custodial period.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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