
STATUTORY INSTRUMENTS

2025 No. 1187

PRISONS, ENGLAND AND WALES

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

Made	-	-	-	-	16th September 2025
					23rd September
Coming into force	-	-			2025

The Secretary of State makes this Order in exercise of the powers conferred by section 260(6) of the Criminal Justice Act 2003(1).

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)(2) 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”.

- (1) [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 \(c. 36\)](#).
- (2) 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](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

16th September 2025

Timpson
Minister of State
Ministry of Justice

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.