



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART V

CUSTODIAL SENTENCES ETC.

CHAPTER I

GENERAL PROVISIONS

Sexual and violent offences: licences etc.

85 Sexual or violent offences: extension of certain custodial sentences for licence purposes.

- (1) This section applies where a court—
- (a) proposes to impose a custodial sentence for a sexual or violent offence committed on or after 30th September 1998; and
 - (b) considers that the period (if any) for which the offender would, apart from this section, be subject to a licence would not be adequate for the purpose of preventing the commission by him of further offences and securing his rehabilitation.
- (2) Subject to subsections (3) to (5) below, the court may pass on the offender an extended sentence, that is to say, a custodial sentence the term of which is equal to the aggregate of—
- (a) the term of the custodial sentence that the court would have imposed if it had passed a custodial sentence otherwise than under this section (“the custodial term”); and

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Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Sexual and violent offences: licences etc. is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) a further period (“the extension period”) for which the offender is to be subject to a licence and which is of such length as the court considers necessary for the purpose mentioned in subsection (1) above.
- (3) Where the offence is a violent offence, the court shall not pass an extended sentence the custodial term of which is less than four years.
- (4) The extension period shall not exceed—
 - (a) ten years in the case of a sexual offence; and
 - (b) five years in the case of a violent offence.
- (5) The term of an extended sentence passed in respect of an offence shall not exceed the maximum term permitted for that offence.
- (6) Subsection (2) of section 80 above (length of discretionary custodial sentences) shall apply as if the term of an extended sentence did not include the extension period.
- (7) The Secretary of State may by order amend paragraph (b) of subsection (4) above by substituting a different period, not exceeding ten years, for the period for the time being specified in that paragraph.
- (8) In this section “licence” means a licence under Part II of the ^{M1}Criminal Justice Act 1991 (early release of prisoners).

Marginal Citations

M1 1991 c. 53.

86 Sexual offences committed before 30th September 1998.

- (1) Where, in the case of a long-term or short-term prisoner—
 - (a) the whole or any part of his sentence was imposed for a sexual offence committed before 30th September 1998, and
 - (b) the court by which he was sentenced for that offence, having had regard to the matters mentioned in section 32(6)(a) and (b) of the ^{M2}Criminal Justice Act 1991, ordered that this section should apply,
 sections 33(3) and 37(1) of that Act shall each have effect as if for the reference to three-quarters of his sentence there were substituted a reference to the whole of that sentence.
- (2) Expressions used in this section shall be construed as if they were contained in Part II of the ^{M3}Criminal Justice Act 1991.
- (3) The reference in subsection (1) above to section 33(3) of the ^{M4}Criminal Justice Act 1991 is to section 33(3) as it has effect without the amendment made by section 104(1) of the ^{M5}Crime and Disorder Act 1998 (which substituted the words “ on licence ” for the word “unconditionally” and does not apply in relation to a prisoner whose sentence or any part of whose sentence was imposed for an offence committed before 30th September 1998).

Marginal Citations

M2 1991 c. 53.

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M3 1991 c. 53.

M4 1991 c. 53.

M5 1998 c. 37.

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