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# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART V **E+W**

#### CUSTODIAL SENTENCES ETC.

### CHAPTER II **E+W**

#### DETENTION AND CUSTODY OF YOUNG OFFENDERS

##### Modifications etc. (not altering text)

- C1** Pt. 5 Ch. 2 power to modify, amend or repeal conferred (30.9.2003) by [Armed Forces Act 2001 \(c. 19\)](#), [ss. 31\(1\)\(a\)\(3\)\(6\)\(7\), 39\(2\)](#); S.I. 2003/2268, art. 2

##### *Restriction on imposing imprisonment on persons under 21*

**F189** **Restriction on imposing imprisonment on persons under 21.** **E+W**

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##### Textual Amendments

- F1** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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*Detention at Her Majesty’s pleasure or for specified period*

**F190 Offenders who commit murder etc. when under 18: duty to detain at Her Majesty’s pleasure. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F191 Offenders under 18 convicted of certain serious offences: power to detain for specified period. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F192 Detention under sections 90 and 91: place of detention etc. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

*Custody for life*

**F193 Duty to impose custody for life in certain cases where offender under 21. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F194 Power to impose custody for life in certain other cases where offender at least 18 but under 21. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**F195 Custody for life: place of detention. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

*Detention in a young offender institution*

**F196 Detention in a young offender institution for other cases where offender at least 18 but under 21. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**F197 Term of detention in a young offender institution, and consecutive sentences. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**F198 Detention in a young offender institution: place of detention. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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*Conversion of sentence of detention to sentence of imprisonment*

**F199 Conversion of sentence of detention to sentence of imprisonment** **E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

*Detention and training orders*

**F1100 Offenders under 18: detention and training orders.** **E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F1101 Term of order, consecutive terms and taking account of remands.** **E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F1102 The period of detention and training.** **E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F1103 The period of supervision.** **E+W**

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**Textual Amendments**

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**F1 104 Breach of supervision requirements. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**F1 104A Application of sections 103 to 105 in relation to orders under section 104(3)  
(aa) E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**F1 104B Interaction of orders under section 104(3)(a) with other sentences E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**F1 105 Offences during currency of order. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**F1 106 Interaction with sentences of detention in a young offender institution. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F1 106A Interaction with sentences of detention E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F1 106B Further supervision after end of term of detention and training order E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F1 107 Meaning of “ youth detention accommodation” and references to terms. E+W**

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**Textual Amendments**

**F1** Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

*Detention of persons aged at least 18 but under 21 for default or contempt*

**108 Detention of persons aged at least 18 but under 21 for default or contempt. E+W**

- (1) In any case where, but for [<sup>F2</sup>section 227(2) of the Sentencing Code], a court would have power—
  - (a) to commit a person aged at least 18 but under 21 to prison for default in payment of a fine or any other sum of money, or
  - (b) to make an order fixing a term of imprisonment in the event of such a default by such a person, or
  - (c) to commit such a person to prison for contempt of court or any kindred offence,

the court shall have power, subject to subsection (3) below, to commit him to be detained under this section or, as the case may be, to make an order fixing a term of

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detention under this section in the event of default, for a term not exceeding the term of imprisonment.

- (2) For the purposes of subsection (1) above, the power of a court to order a person to be imprisoned under section 23 of the <sup>M1</sup> Attachment of Earnings Act 1971 shall be taken to be a power to commit him to prison.
- (3) No court shall commit a person to be detained under this section unless it is of the opinion that no other method of dealing with him is appropriate; and in forming any such opinion, the court—
  - (a) shall take into account all such information about the circumstances of the default or contempt (including any aggravating or mitigating factors) as is available to it; and
  - (b) may take into account any information about that person which is before it.
- (4) Where a magistrates' court commits a person to be detained under this section, it shall—
  - (a) state in open court the reason for its opinion that no other method of dealing with him is appropriate; and
  - (b) cause that reason to be specified in the warrant of commitment and to be entered in the register.
- (5) Subject to section 22(2)(b) of the <sup>M2</sup> Prison Act 1952 (removal to hospital etc.), a person in respect of whom an order has been made under this section is to be detained—
  - (a) in a remand centre,
  - (b) in a young offender institution, or
  - (c) in any place in which a person aged 21 or over could be imprisoned or detained for default in payment of a fine or any other sum of money,as the Secretary of State may from time to time direct.

#### Textual Amendments

- F2** Words in s. 108(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 163](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

#### Marginal Citations

- M1** 1971 c. 32.  
**M2** 1952 c. 52.

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