



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART V

CUSTODIAL SENTENCES ETC.

CHAPTER II

DETENTION AND CUSTODY OF YOUNG OFFENDERS

Detention at Her Majesty's pleasure or for specified period

91 Offenders under 18 convicted of certain serious offences: power to detain for specified period.

- (1) Subsection (3) below applies where a person aged under 18 is convicted on indictment of—
- (a) an offence punishable in the case of a person aged 21 or over with imprisonment for 14 years or more, not being an offence the sentence for which is fixed by law; or
 - ^[F1](b) an offence under section 3 of the Sexual Offences Act 2003 (in this section, “the 2003 Act”) (sexual assault); or
 - (c) an offence under section 13 of the 2003 Act (child sex offences committed by children or young persons); or
 - (d) an offence under section 25 of the 2003 Act (sexual activity with a child family member); or
 - (e) an offence under section 26 of the 2003 Act (inciting a child family member to engage in sexual activity).]

^[F2](1A) Subsection (3) below also applies where—

Status: Point in time view as at 04/04/2005. This version of this provision has been superseded.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 91 is up to date with all changes known to be in force on or before 07 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)

- (a) a person aged under 18 is convicted on indictment of an offence—
 - (i) under subsection (1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) of section 5 of the Firearms Act 1968 (prohibited weapons), or
 - (ii) under subsection (1A)(a) of that section,
- (b) the offence was committed after the commencement of section 51A of that Act and at a time when he was aged 16 or over, and
- (c) the court is of the opinion mentioned in section 51A(2) of that Act (exceptional circumstances which justify its not imposing required custodial sentence).]

^{F3}(2)

(3) If the court is of the opinion that [^{F4}neither a community sentence nor a detention and training order] is suitable, the court may sentence the offender to be detained for such period, not exceeding the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over, as may be specified in the sentence.

(4) Subsection (3) above is subject to (in particular) [^{F5}section 152 and 153 of the Criminal Justice Act 2003].

[^{F6}(5) Where subsection (2) of section 51A of the Firearms Act 1968 requires the imposition of a sentence of detention under this section for a term of at least the required minimum term (within the meaning of that section), the court shall sentence the offender to be detained for such period, of at least that term but not exceeding the maximum term of imprisonment with which the offence is punishable in the case of a person aged 18 or over, as may be specified in the sentence.]

Textual Amendments

- F1** S. 91(1)(b)-(e) substituted for s. 91(1)(b)(c) (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 6 para. 43\(2\)](#); S.I. 2004/874, art. 2
- F2** S. 91(1A) inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 289\(1\)\(2\), 336\(3\)\(4\)](#); S.I. 2004/81, art. 3(1)(2)(b)
- F3** S. 91(2) repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 7](#); S.I. 2004/829, art. 2(1)(2)(1)(iii)
- F4** Words in s. 91(3) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 110\(2\)](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F5** Words in s. 91(4) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 110\(3\)](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F6** S. 91(5) inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 289\(1\)\(3\), 336\(3\)\(4\)](#); S.I. 2004/81, art. 3(1)(2)(b)

Modifications etc. (not altering text)

- C1** S. 91(1A)(c): power to repeal conferred (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 291\(1\)\(b\), 336\(3\)\(4\)](#); S.I. 2004/81, art. 3(1)(2)(b)
- C2** S. 91(5): power to repeal conferred (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 291\(1\)\(b\), 336\(3\)\(4\)](#); S.I. 2004/81, art. 3(1)(2)(b)

Status:

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