



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

Custodial sentences

^{F1}13 Sentences of imprisonment for public protection

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Textual Amendments

- F1** S. 13 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 21 para. 35\(b\)\(i\)](#); S.I. 2012/2906, art. 2(s)

^{F2}14 Sentences of detention for public protection

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Textual Amendments

- F2** S. 14 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 21 para. 35\(b\)\(i\)](#); S.I. 2012/2906, art. 2(s)

^{F3}15 Extended sentences for certain violent or sexual offences: persons 18 or over

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Status: Point in time view as at 03/12/2012. This version of this cross heading contains provisions that are prospective.

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Custodial sentences is up to date with all changes known to be in force on or before 03 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)

Textual Amendments

- F3** S. 15 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 21 para. 35\(b\)\(i\)](#); S.I. 2012/2906, art. 2(s)

^{F4}16 Extended sentences for certain violent or sexual offences: persons under 18

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Textual Amendments

- F4** S. 16 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 21 para. 35\(b\)\(i\)](#); S.I. 2012/2906, art. 2(s)

17 The assessment of dangerousness

(1) Section 229 of the Criminal Justice Act 2003 (the assessment of dangerousness) is amended as follows.

(2) In subsection (2)—

- (a) the words from the beginning to “18” are omitted,
 (b) after paragraph (a) insert—

“(aa) may take into account all such information as is available to it about the nature and circumstances of any other offences of which the offender has been convicted by a court anywhere in the world,” and

- (c) in paragraph (b) for “the offence” substitute “ any of the offences mentioned in paragraph (a) or (aa) ”.

(3) After subsection (2) insert—

“(2A) The reference in subsection (2)(aa) to a conviction by a court includes a reference to—

- (a) a finding of guilt in service disciplinary proceedings, and
 (b) a conviction of a service offence within the meaning of the Armed Forces Act 2006 (“conviction” here including anything that under section 376(1) and (2) of that Act is to be treated as a conviction).”

(4) Subsections (3) and (4) are omitted.

(5) Schedules 16 and 17 to that Act are omitted.

Commencement Information

- II** S. 17 in force at 14.7.2008 by [S.I. 2008/1586](#), art. 2(1), [Sch. 1 para. 8](#) (with [Sch. 2 para. 2](#))

18 Further amendments relating to sentences for public protection

(1) In section 231 of the Criminal Justice Act 2003 (c. 44) (appeals where previous convictions set aside), for subsection (1) substitute—

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- “(1) This section applies where—
- (a) a sentence has been imposed on any person under section 225(3) or 227(2),
 - (b) the condition in section 225(3A) or (as the case may be) 227(2A) was met but the condition in section 225(3B) or (as the case may be) 227(2B) was not, and
 - (c) any previous conviction of his without which the condition in section 225(3A) or (as the case may be) 227(2A) would not have been met has been subsequently set aside on appeal.”

^{F5}(2)

(3) Section 234 of that Act (determination of day when offence committed) is omitted.

Textual Amendments

F5 S. 18(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 35\(b\)\(i\)](#); S.I. 2012/2906, art. 2(s)

Commencement Information

I2 S. 18 in force at 14.7.2008 by [S.I. 2008/1586](#), art. 2(1), [Sch. 1 para. 9](#) (with [Sch. 2 para. 2](#))

PROSPECTIVE

^{F6}**19 Indeterminate sentences: determination of tariffs**

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Textual Amendments

F6 Ss. 17-20 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

20 Consecutive terms of imprisonment

(1) Part 12 of the Criminal Justice Act 2003 (c. 44) (sentencing) is amended as follows.

^{F7}(2)

^{F7}(3)

(4) In section 265 (restriction on consecutive sentences for released prisoners)—

(a) in subsection (1), for “early under this Chapter” substitute “—

(a) under this Chapter; or

(b) under Part 2 of the Criminal Justice Act 1991.”; and

^{F8}(b)

(5) Any saving by virtue of which section 84 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (restrictions on consecutive sentences for released

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prisoners) continues to apply in certain cases (despite the repeal of that section by the Criminal Justice Act 2003) shall cease to have effect.

Textual Amendments

- F7** S. 20(2)(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 42](#); S.I. 2012/2906, art. 2(h)
- F8** S. 20(4)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 20\(a\)](#); S.I. 2012/2906, art. 2(n)

Commencement Information

- I3** S. 20 in force at 14.7.2008 by [S.I. 2008/1586](#), art. 2(1), [Sch. 1 para. 10](#)

Status:

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Changes to legislation:

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