

## SCHEDULES

### SCHEDULE 21

Section 126

#### ABOLITION OF CERTAIN SENTENCES FOR DANGEROUS OFFENDERS AND NEW EXTENDED SENTENCES: CONSEQUENTIAL AND TRANSITORY PROVISION

##### PART 1

##### CONSEQUENTIAL PROVISION

###### *Juries Act 1974 (c. 23)*

- 1 In Part 2 of Schedule 1 to the Juries Act 1974 (persons disqualified from jury service) in paragraph 6(d), before “227” insert “226A, 226B,”.

###### *Rehabilitation of Offenders Act 1974 (c. 53)*

- 2 In section 5 of the Rehabilitation of Offenders Act 1974 (sentences excluded from rehabilitation under that Act), in subsection (1)(f), before “227” insert “226A, 226B,”.

###### *Criminal Justice Act 1982 (c. 48)*

- 3 In section 32 of the Criminal Justice Act 1982 (early release of prisoners), in subsection (1)(a), before “227” insert “226A or”.

###### *Road Traffic Offenders Act 1988 (c. 53)*

- 4 (1) Section 35A of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence imposed as well as driving disqualification) is amended as follows.
  - (2) In subsection (4)(e)—
    - (a) for “227” substitute “226A”,
    - (b) for “half” substitute “two-thirds of”, and
    - (c) for “227(2C)(a)” substitute “226A(5)(a)”.
  - (3) In subsection (4)(f)—
    - (a) for “228” substitute “226B”,
    - (b) for “half” substitute “two-thirds of”, and
    - (c) for “228(2B)(a)” substitute “226B(3)(a)”.
  - (4) In subsection (8), omit “or 247(2)”.
  - (5) In subsection (9), omit paragraph (b).

*Crime (Sentences) Act 1997 (c. 43)*

- 5 In Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands), in paragraph 9(2)(a), after “244,” insert “246A,”.

*Crime and Disorder Act 1998 (c. 37)*

- 6 In section 51A of the Crime and Disorder Act 1998 (sending cases to the Crown Court: children and young persons), in subsection (3)(d), for “226(3) or 228(2)” substitute “226B”.

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 7 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- 8 In section 3A (committal for sentence of dangerous adult offenders), in subsection (2), for “225(3) or 227(2)” substitute “226A”.
- 9 In section 3C (committal for sentence of dangerous young offenders), in subsection (2), for “226(3) or 228(2)” substitute “226B”.
- 10 In section 76 (meaning of “custodial sentence”), in subsection (1)(bc), after “section” insert “226B or”.
- 11 (1) Section 82A (determination of tariffs of life prisoners) is amended as follows.
- (2) Omit subsection (4A).
- (3) In subsection (7), for the definition of “life sentence” substitute—
- ““life sentence” means a sentence mentioned in subsection (2) of section 34 of the Crime (Sentences) Act 1997 other than a sentence mentioned in paragraph (d) or (e) of that subsection.”
- 12 (1) Section 99 (conversion of sentence of detention to sentence of imprisonment) is amended as follows.
- (2) In subsection (3), omit the words from “; and” to the end.
- (3) After that subsection insert—
- “(3A) Where the Secretary of State gives a direction under subsection (1) above in relation to an offender serving an extended sentence of detention imposed under Chapter 5 of Part 12 of the Criminal Justice Act 2003—
- (a) if the sentence was imposed under section 226B of that Act, the offender shall be treated as if the offender had been sentenced under section 226A of that Act, and
- (b) if the sentence was imposed under section 228 of that Act, the offender shall be treated as if the offender had been sentenced under section 227 of that Act.”
- (4) In subsection (5)(c), after “section” insert “226B or”.
- 13 In section 100 (offenders under 18: detention and training orders), in subsection (1), for “228” substitute “226B”.
- 14 (1) Section 106A (interaction of detention and training orders with sentences of detention) is amended as follows.

- (2) In subsection (1), in paragraph (b) of the definition of “sentence of detention”, after “section” insert “226B or”.
- (3) In subsection (6)—
- (a) before “228” insert “226B or”, and
  - (b) after “Board under” insert “subsection (5)(b) of section 246A or (as the case may be)”.
- 15 (1) Section 147A (extension of driving disqualification where custodial sentence also imposed) is amended as follows.
- (2) In subsection (4)(e)—
- (a) for “227” substitute “226A”,
  - (b) for “half” substitute “two-thirds of”, and
  - (c) for “227(2C)(a)” substitute “226A(5)(a)”.
- (3) In subsection (4)(f)—
- (a) for “228” substitute “226B”,
  - (b) for “half” substitute “two-thirds of”, and
  - (c) for “228(2B)(a)” substitute “226B(3)(a)”.
- (4) In subsection (8), omit “or 247(2)”.
- (5) In subsection (9), omit paragraph (b).

#### *Criminal Justice and Court Services Act 2000 (c. 43)*

- 16 The Criminal Justice and Court Services Act 2000 is amended as follows.
- 17 In section 62 (release on licence etc: conditions as to monitoring), in subsection (5) (f), after “226” insert “, 226B”.
- 18 In section 64 (release on licence: drug testing requirements), in subsection (5)(f), after “226” insert “, 226B”.

#### *Sexual Offences Act 2003 (c. 42)*

- 19 In section 131 of the Sexual Offences Act 2003 (young offenders: application), in paragraph (l), before “228” insert “226B or”.

#### *Criminal Justice Act 2003 (c. 44)*

- 20 The Criminal Justice Act 2003 is amended as follows.
- 21 In section 153 (length of discretionary custodial sentences: general provision), in subsection (2), for “227(2) and 228(2)” substitute “226A(4) and 226B(2)”.
- 22 (1) Section 156 (pre-sentence reports and other requirements) is amended as follows.
- (2) In subsection (3)(a), for “section 227(1)(b) or section 228(1)(b)(i)” substitute “section 226A(1)(b) or section 226B(1)(b)”.
- (3) After subsection (9) (inserted by paragraph 13 of Schedule 19) insert—

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- “(10) The reference in subsection (1) to a court forming the opinion mentioned in section 153(2) includes a court forming that opinion for the purposes of section 226A(6) or 226B(4).”
- 23 In the heading of section 225 (life sentence or imprisonment for public protection for serious offences) omit “or imprisonment for public protection”.
- 24 In the heading of section 226 (detention for life or detention for public protection for serious offences by those aged under 18) omit “or detention for public protection”.
- 25 In section 231 (appeals where convictions set aside), in subsection (1)—
- (a) in paragraph (a), after “225(3)” insert “, 226A”,
  - (b) in paragraph (b)—
    - (i) before “227(2A)” insert “226A(2) or”, and
    - (ii) before “227(2B)” insert “226A(3) or”, and
  - (c) in paragraph (c), after “may be)” insert “226A(2) or”.
- 26 Omit section 232 (certificates of convictions for the purposes of sections 225 and 227).
- 27 In section 235 (detention under sections 226 and 228) after “226” insert “, 226B”.
- 28 In the heading of that section after “226” insert “, 226B”.
- 29 In section 327 (arrangements for assessing etc risks posed by certain offenders: interpretation), in subsection (3)(b)(vi), after “section” insert “226B or”.
- 30 In section 330 (orders and rules), in subsection (5)(a), omit—
- (a) “227(6),”, and
  - (b) “228(7)”.
- 31 Omit Schedule 15A (offences specified for the purposes of sections 225(3A) and 227(2A)).

#### *Offender Management Act 2007 (c. 21)*

- 32 (1) Section 28 of the Offender Management Act 2007 (application of polygraph conditions for certain offenders released on licence) is amended as follows.
- (2) In subsection (3)(a), after “section” insert “226A or”.
  - (3) In subsection (3)(f), after “226” insert “, 226B”.

#### *Counter-Terrorism Act 2008 (c. 28)*

- 33 In section 45(1)(a) of the Counter-Terrorism Act 2008 (sentences or orders triggering notification requirements under Part 4 of that Act), after sub-paragraph (vi) (but before the “or” at the end of that sub-paragraph), insert—
- “(via) detention under section 226B of that Act (extended sentence of detention for certain dangerous offenders aged under 18),”.

#### *Coroners and Justice Act 2009 (c. 25)*

- 34 (1) Section 126 of the Coroners and Justice Act 2009 (determination of tariffs etc) is amended as follows.

- (2) In subsection (1)—
- (a) omit paragraphs (a) and (b),
  - (b) in paragraph (c), for “227 of that Act” substitute “226A of the Criminal Justice Act 2003”, and
  - (c) in paragraph (d), for “228” substitute “226B”.
- (3) In subsection (2)—
- (a) omit paragraph (b),
  - (b) in paragraph (c), for “227(3) of that Act” substitute “226A(6) of the Criminal Justice Act 2003”, and
  - (c) in paragraph (d), for “228(3)” substitute “226B(4)”.
- (4) In subsection (4), for the words from “has” to the end substitute “means a sentence mentioned in subsection (2) of section 34 of the Crime (Sentences) Act 1997 other than a sentence mentioned in paragraph (d) or (e) of that subsection”.

*Consequential repeals*

- 35 In consequence of amendments made by section 123, 124 or 125 or this Schedule—
- (a) in the Criminal Justice Act 2003, omit paragraph 4 of Schedule 18, and
  - (b) in the Criminal Justice and Immigration Act 2008 omit—
    - (i) sections 13, 14, 15, 16 and 18(2);
    - (ii) Schedule 5;
    - (iii) in Schedule 26, paragraph 76.

**PART 2**

## TRANSITORY PROVISION

- 36 (1) In relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution, custody for life etc), Chapter 5 of Part 12 of the Criminal Justice Act 2003 (sentencing: dangerous offenders) has effect with the modifications in subparagraphs (2) and (3).
- (2) In section 226A (extended sentence for certain violent or sexual offences: persons 18 or over), at the end insert—
- “(12) In the case of a person aged at least 18 but under 21, this section has effect as if—
- (a) the reference in subsection (1)(c) to imprisonment for life were to custody for life, and
  - (b) other references to imprisonment (including in the expression “extended sentence of imprisonment”) were to detention in a young offender institution.”
- (3) In section 226B (extended sentence for certain violent or sexual offences: persons under 18), in subsection (7), for “18” substitute “21”.
- 37 (1) In relation to any time before the repeal of section 30 of the Criminal Justice and Court Services Act 2000 (protection of children: supplemental) by Schedule 10

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to the Safeguarding Vulnerable Groups Act 2006, that section has effect with the modification in sub-paragraph (2).

- (2) In subsection (1), in paragraph (dd) of the definition of “qualifying sentence”, after “226” insert “, 226B”.