



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 10

CUSTODIAL SENTENCES

CHAPTER 8

EFFECT OF LIFE SENTENCES

321 Life sentence: minimum term order or whole life order

- (1) Where a court passes a life sentence, it must make an order under this section.
- (2) The order must be a minimum term order unless the court is required to make a whole life order under subsection (3).
- (3) The order must be a whole life order if—
 - (a) the offender was 21 or over when the offence was committed, and
 - (b) the court is of the opinion that, because of the seriousness of—
 - (i) the offence, or
 - (ii) the combination of the offence and one or more offences associated with it,it should not make a minimum term order.
- (4) A minimum term order is an order that the early release provisions (see section 324) are to apply to the offender as soon as the offender has served the part of the sentence which is specified in the order in accordance with section 322 or 323 (“the minimum term”).
- (5) A whole life order is an order that the early release provisions are not to apply to the offender.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

322 **Mandatory life sentences: further provision**

- (1) This section applies where a court passes a life sentence for an offence the sentence for which is fixed by law.

Minimum term

- (2) If the court makes a minimum term order, the minimum term must be such part of the offender's sentence as the court considers appropriate taking into account—
- (a) the seriousness of—
 - (i) the offence, or
 - (ii) the combination of the offence and any one or more offences associated with it, and
 - (b) the effect that the following would have if the court had sentenced the offender to a term of imprisonment—
 - (i) section 240ZA of the Criminal Justice Act 2003 (crediting periods of remand in custody);
 - (ii) and section 240A of that Act (crediting periods on bail subject to certain restrictions);
 including the effect of any declaration that the court would have made under section 325 or 327 (specifying periods of remand on bail subject to certain restrictions or in custody pending extradition).

Determination of seriousness

- (3) In considering the seriousness of the offence, or of the combination of the offence and one or more offences associated with it, under—
- (a) section 321(3) (determining whether to make a whole life order), or
 - (b) subsection (2) (determining the minimum term),
- the court must have regard to—
- (i) the general principles set out in Schedule 21, and
 - (ii) any sentencing guidelines relating to offences in general which are relevant to the case and are not incompatible with the provisions of Schedule 21.

Duty to give reasons for minimum term order or whole life order

- (4) Where the court makes a minimum term order or a whole life order, in complying with the duty under section 52(2) to state its reasons for deciding on the order made, the court must in particular—
- (a) state which of the starting points in Schedule 21 it has chosen and its reasons for doing so, and
 - (b) state its reasons for any departure from that starting point.

323 **Minimum term order: other life sentences**

- (1) This section applies where a court—
- (a) passes a life sentence in circumstances in which the sentence is not fixed by law, and
 - (b) makes a minimum term order.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) The minimum term must be such as the court considers appropriate, taking into account—
- (a) the seriousness of—
 - (i) the offence, or
 - (ii) the combination of the offence and one or more offences associated with it,
 - (b) the early release provisions as compared with section 244(1) of the Criminal Justice Act 2003 (duty to release prisoners), and
 - (c) the effect that the following would have if the court had sentenced the offender to a term of imprisonment—
 - (i) section 240ZA of the Criminal Justice Act 2003 (crediting periods of remand in custody);
 - (ii) section 240A of that Act (crediting periods of remand on bail subject to certain restrictions);
- including the effect of any declaration which the court would have made under section 325 or 327 (specifying periods of remand on bail subject to certain restrictions or in custody pending extradition).

324 Life sentences: interpretation

In this Chapter—

“the early release provisions” means section 28(5) to (8) of the Crime (Sentences) Act 1997;

“life sentence” means—

- (a) a sentence of imprisonment for life,
- (b) a sentence of detention for life or during Her Majesty’s pleasure (see sections 250 and 259), or
- (c) a sentence of custody for life (see sections 272 and 275);

“minimum term order” and “minimum term” have the meanings given by section 321(4);

“whole life order” has the meaning given by section 321(5).