



# Sentencing Act 2020

## 2020 CHAPTER 17

### THIRD GROUP OF PARTS Disposals

#### PART 10

#### CUSTODIAL SENTENCES

#### CHAPTER 2

#### OFFENDERS AGED UNDER 18

#### *Extended sentences*

#### **254 Extended sentence for certain violent, sexual or terrorism offences**

An extended sentence of detention under this section is a sentence of detention the term of which is equal to the aggregate of—

- (a) the appropriate custodial term (see section 256), and
- (b) a further period (the “extension period”) for which the offender is to be subject to a licence.

#### **Commencement Information**

**II** S. 254 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

#### **255 Extended sentence of detention: availability**

(1) An extended sentence of detention under section 254 is available where a court is dealing with an offender for an offence if—

- (a) the offence—
  - (i) is a specified offence (see section 306(1)), and

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- [<sup>F1</sup>(ii) is one for which a sentence of detention is available under section 250 or 252A (see the table in section 249(1) and section 252A(1)(a) and (b)),]
- (b) the offender is aged under 18 when convicted,
  - (c) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see section 308),
  - (d) the court is not required by section 258(2) [<sup>F2</sup>or 258A(2)] to impose a sentence of detention for life under section 250, and
  - (e) if the court were to impose an extended sentence, the term that it would specify as the appropriate custodial term (see section 256) would be at least 4 years.
- (2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion referred to in subsection (1)(c).

#### Textual Amendments

- F1** S. 255(1)(a)(ii) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(16\)](#)
- F2** Words in s. 255(1)(d) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 3\(5\)](#), 208(5)(b)

#### Commencement Information

- I2** S. 255 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

## 256 Term of extended sentence of detention under section 254

- (1) This section applies where a court is determining—
- (a) the appropriate custodial term, and
  - (b) the extension period,
- of an extended sentence of detention under section 254 to be imposed on an offender in respect of an offence.
- (2) The appropriate custodial term is the term of detention that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences: general provision) if the court did not impose an extended sentence.
- (3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.

This is subject to subsections (4) and (5).

- (4) The extension period must—
- (a) be at least 1 year, and
  - (b) not exceed—
    - (i) 5 years in the case of a specified violent offence [<sup>F3</sup>(unless sub-paragraph (iii) applies)];
    - (ii) 8 years in the case of a specified sexual offence or a specified terrorism offence [<sup>F4</sup>(unless sub-paragraph (iii) applies)];

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[<sup>F5</sup>(iii) 10 years in the case of a serious terrorism offence for which the sentence is imposed on or after the day on which section 16 of the Counter-Terrorism and Sentencing Act 2021 comes into force.]

See section 306(2) for the meanings of “specified violent offence”, “specified sexual offence” [<sup>F6</sup>and “specified terrorism offence”]<sup>F6</sup>, “specified terrorism offence” and “serious terrorism offence”].

- (5) The term of the extended sentence of detention under section 254 must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

#### Textual Amendments

- F3** Words in s. 256(4)(b)(i) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 16(2)(a)**, 50(2)(i)(3)(d)
- F4** Words in s. 256(4)(b)(ii) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 16(2)(b)**, 50(2)(i)(3)(d)
- F5** S. 256(4)(b)(iii) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 16(2)(c)**, 50(2)(i)(3)(d)
- F6** Words in s. 256(4) substituted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 16(3)**, 50(2)(i)(3)(d)

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

- C1** S. 256(2)-(5) applied (with modifications) by 2006 c. 52, s. 221A(3)(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 42(3)** (with s. 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2)

#### Commencement Information

- I3** S. 256 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

## 257 Extended sentence under section 254 where offender subject to detention and training order

- (1) This section applies where the court imposes an extended sentence of detention under section 254 in the case of an offender who is subject to a relevant detention and training order.
- (2) If the offender has not at any time been released for supervision under the relevant detention and training order, the court may order that the extended sentence of detention is to take effect at the time when the offender would otherwise be released for supervision under the relevant detention and training order (see section 248(5)).
- (3) Otherwise, the extended sentence of detention takes effect at the beginning of the day on which it is passed.
- (4) In this section “relevant detention and training order” means—
- a detention and training order under section 233,
  - an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act), or
  - an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training order: offender convicted before the commencement of this Act).

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

- C2** S. 257 modified by 2006 c. 52, s. 213(2)(c) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))
- C3** S. 257 modified by 2006 c. 52, s. 213(3B) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))
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**Commencement Information**

- I4** S. 257 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)

- Sch. 19 para. 22A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 84
- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)