



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 9

COMMUNITY SENTENCES

CHAPTER 2

COMMUNITY ORDERS

Exercise of power to make community order

205 Community order: effect of remand in custody

- (1) In determining the restrictions on liberty to be imposed by a community order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with—
 - (a) the offence, or
 - (b) any other offence the charge for which was founded on the same facts or evidence.
- (2) For this purpose, a person is remanded in custody if—
 - (a) remanded in or committed to custody by order of a court,
 - (b) remanded to youth detention accommodation (see subsection (3)), or
 - (c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.
- (3) The reference in subsection (2)(b) to being remanded to youth detention accommodation—
 - (a) has the same meaning as in Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail): see, in particular, section 91 of that Act, but

Status: This is the original version (as it was originally enacted).

- (b) also includes a reference to being remanded or committed before 3 December 2012 to local authority accommodation under section 23 of the Children and Young Persons Act 1969 and—
 - (i) kept in secure accommodation (within the meaning of that section), or
 - (ii) detained in a secure training centre pursuant to arrangements under subsection (7A) of that section.