

SCHEDULES

SCHEDULE 16

Section 160

DETENTION AND TRAINING ORDERS: TIME TO COUNT AS SERVED

PART 1

DETENTION AND TRAINING ORDERS MADE UNDER SENTENCING CODE

Criminal Justice Act 2003 (c. 44)

- 1 The Criminal Justice Act 2003 is amended as follows.
- 2 (1) Section 240ZA (time remanded in custody to count as time served: terms of imprisonment and detention) is amended as follows.
 - (2) In the heading, for “and detention” substitute “or detention and detention and training orders”.
 - (3) After subsection (1) insert—
 - “(1A) This section also applies where—
 - (a) a court, on or after the day on which Schedule 16 to the Police, Crime, Sentencing and Courts Act 2022 came into force, makes a detention and training order in respect of an offender for an offence, and
 - (b) the offender concerned has been remanded in custody in connection with the offence or a related offence.
 - (1B) In this section any reference to a “sentence”, in relation to an offender, is to—
 - (a) a term of imprisonment being served by the offender as mentioned in subsection (1)(a), or
 - (b) a detention and training order made in respect of the offender as mentioned in subsection (1A)(a).”
 - (4) In subsection (2), for “that purpose” substitute “the purposes of subsection (1)(b) or (1A)(b)”.
 - (5) For subsection (9) substitute—
 - “(8A) Subsection (9) applies in relation to an offender who is sentenced to two or more consecutive sentences or sentences which are wholly or partly concurrent if—
 - (a) the sentences were imposed on the same occasion, or
 - (b) where they were imposed on different occasions, the offender has not been released during the period beginning with the first and ending with the last of those occasions.

Status: This is the original version (as it was originally enacted).

- (9) For the purposes of subsections (3) and (5), the sentences are to be treated as a single sentence.”
- 3 (1) Section 240A (time remanded on bail to count towards time served: terms of imprisonment and detention) is amended as follows.
- (2) In the heading, for “and detention” substitute “or detention and detention and training orders”.
- (3) After subsection (3ZA) insert—
- “(3ZAA) Subsection (3ZB) also applies where—
- (a) a court, on or after the day on which Schedule 16 to the Police, Crime, Sentencing and Courts Act 2022 came into force, makes a detention and training order in respect of an offender for an offence, and
- (b) the court has made a declaration under section 325 of the Sentencing Code specifying a credit period in relation to the order.
- (3ZAB) In this section any reference to a “sentence”, in relation to an offender, is to—
- (a) a term of imprisonment being served by the offender as mentioned in subsection (3ZA)(a), or
- (b) a detention and training order made in respect of the offender as mentioned in subsection (3ZAA)(a).”
- (4) In subsection (9)(b), omit the words from “and, in paragraph (b)” to the end.
- 4 In section 242 (interpretation), at the end insert—
- “(3) In sections 240ZA and 240A, “detention and training order” has the meaning given by section 233 of the Sentencing Code.”

Sentencing Act 2020 (c. 17)

- 5 The Sentencing Act 2020 is amended as follows.
- 6 Omit sections 239 and 240 (effect on term of detention and training order of period on remand etc).
- 7 In section 244 (offender subject concurrently to detention and training order and sentence of detention in a young offender institution), in subsection (2)(c), at the beginning insert “with the exception of sections 240ZA and 240A,”.
- 8 In section 245 (offender subject concurrently to detention and training order and other sentence of detention), in subsection (2)(c), at the beginning insert “with the exception of sections 240ZA and 240A,”.
- 9 In section 325 (time on bail under certain conditions: declaration by court), in subsection (5)—
- (a) omit the “or” at the end of paragraph (b);
- (b) at the end of paragraph (c) insert “, or
- (d) makes a detention and training order.”
- 10 In section 327 (period in custody awaiting extradition: declaration by court), in subsection (2)—
- (a) omit the “or” at the end of paragraph (b);

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

- (b) at the end of paragraph (c) insert “, or
 - (d) a detention and training order.”
- 11 In Schedule 27 (transitional provision), omit paragraph 14 (and the italic heading above it).

Other enactments

- 12 In Schedule 2 to the Criminal Appeal Act 1968 (procedural and other provisions applicable on order for retrial), in paragraph 2(4), for “and detention” substitute “or detention and detention and training orders”.
- 13 In Schedule 7 to the International Criminal Court Act 2001 (domestic provisions not applicable to ICC prisoners), in paragraph 2(1)(d), for “and detention” substitute “or detention and detention and training orders”.

PART 2

DETENTION AND TRAINING ORDERS MADE UNDER ARMED FORCES ACT 2006

- 14 The Armed Forces Act 2006 is amended as follows.
- 15 In section 213 (application of provisions relating to civilian detention and training orders)—
- (a) in subsection (2)(a), for “sections 237 to 240” substitute “sections 237 and 238”;
 - (b) omit subsection (3).
- 16 After section 213 insert—

“213A Period in service custody: effect on term of detention and training order

- (1) Subsection (2) applies where—
 - (a) the Court Martial or the Service Civilian Court proposes to make an order under section 211 in respect of an offence, and
 - (b) the offender has been kept in service custody in connection with the offence or any other offence the charge for which was founded on the same facts or evidence.
- (2) In determining the term of the order under section 211, the court must take account of the period for which the offender was kept in service custody.
- (3) If the court proposes to make two or more orders under section 211 in respect of two or more offences—
 - (a) subsection (2) does not apply, but
 - (b) in determining the total term of those orders, the court must take account of the total period for which the offender has been kept in service custody in connection with—
 - (i) any of those offences, or
 - (ii) any other offence the charge for which was founded on the same facts or evidence.

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

- (4) A period of service custody may be taken account of under this section only once.

213B Period of custody awaiting extradition: effect on term of detention and training order

- (1) This section applies where—
- (a) the Court Martial or the Service Civilian Court proposes to make an order under section 211 in respect of an offence,
 - (b) the offender was tried for the offence, or is to be sentenced—
 - (i) after having been extradited to the United Kingdom, and
 - (ii) without having first been restored or had an opportunity of leaving the United Kingdom, and
 - (c) the offender was kept in custody for any period while awaiting extradition to the United Kingdom.
- (2) The court must—
- (a) specify in open court the number of days for which the offender was kept in custody while awaiting extradition, and
 - (b) take account of those days in determining the term of the order.”