



Criminal Justice Act 1967

1967 CHAPTER 80

PART III

TREATMENT OF OFFENDERS

Miscellaneous

67 Computation of sentences of imprisonment passed in England and Wales.

(1) The length of any sentence of imprisonment imposed on an offender by a court shall be treated as reduced by any ^[F1]relevant period, but where he ^[F2](a) was previously subject to a probation order, ^[F3]a community service order, an order for conditional discharge or a suspended sentence in respect of that offence, any such period falling before the order was made or suspended sentence passed shall be disregarded for the purposes of this section.

(b) ^{F4}

^[F5](1A) In subsection (1) above “relevant period” means—

(a) any period during which the offender was in police detention in connection with the offence for which the sentence was passed; or

(b) any period during which he was in custody—

(i) by reason only of having been committed to custody by an order of a court made in connection with any proceedings relating to that sentence or the offence for which it was passed or any proceedings from which those proceedings arose; or

(ii) by reason of his having been so committed and having been concurrently detained otherwise than by order of a court.] ^[F6]or—

(c) any period during which, in connection with the offence for which the sentence was passed, he was ^[F7]remanded ^[F8]or committed to local authority accommodation by virtue of an order under section 23 of the Children and Young Persons Act 1969 and in accommodation provided for the purpose of restricting liberty.]

Status: Point in time view as at 01/10/1992. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 1967, Section 67 is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) For the purposes of this section a suspended sentence shall be treated as a sentence of imprisonment when it takes effect under [F⁹section 23 of the Powers of Criminal Courts Act 1973] and as being imposed by the order under which it takes effect.
- [F¹⁰(2A) Where a person is sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (sentences partly suspended), subsection (1) above—
- (a) operates to reduce the part of the sentence required to be served in prison;
 - (b) operates to reduce the whole period of the sentence for the purposes of section 47(3) of that Act; but
 - (c) does not operate to reduce any part of the sentence which is ordered under section 47(1) of that Act to be held in suspense.
- (2B) Where—
- (a) an offender has been sentenced to imprisonment with an order under section 47(1) of that Act; and
 - (b) he has been released from prison after serving part of his sentence; and
 - (c) an order is subsequently made restoring part of his sentence.
- the restored part shall for the purposes of this section be treated as a sentence of imprisonment imposed by the order restoring it (but shall not be reduced by any period spent in custody by the offender before the original sentence was passed).]
- (3) No period of custody, other than a period which would have been taken into account before the commencement of this Act under section 17(2) of the Criminal Justice Administration Act 1962 (duration of sentence) for the purpose of reducing a term of imprisonment, shall be taken into account for the like purpose under this section unless it falls after the commencement of this Act.
- (4) Any reference in this Act or any other enactment (whether passed before or after the commencement of this Act) to the length of any sentence of imprisonment shall, unless the context otherwise requires, be construed as a reference to the sentence pronounced by the court and not the sentence as reduced by this section.
- [F¹¹(5) This section applies—
- (a) to sentences of detention in a young offender institution; and
 - (b) to determinate sentences of detention passed under section 53(2) of the Children and Young Persons Act 1933 (sentences for serious indictable offences),
- as it applies to sentences of imprisonment.]
- [F¹²(6) The reference in subsection [F¹³(1A)] above to an offender being committed to custody by an order of a court includes a reference to his being [F¹⁴remanded or]committed to a remand centre or to prison under section 23 of the Children and Young Persons Act 1969 or section 37 of the Magistrates' Courts Act 1980 but does not include a reference to his being [F¹⁵remanded or committed to local authority accommodation] under the said section 23 .]
- [F¹⁶(7) A person is in police detention for the purposes of this section—
- (a) at any time when he is in police detention for the purposes of the Police and Criminal Evidence Act 1984; and
 - (b) at any time when he is detained under [F¹⁷section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989].

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- (8) No period of police detention shall be taken into account under this section unless it falls after the coming into force of section 49 of the Police and Criminal Evidence Act 1984.]

Textual Amendments

- F1** Words substituted by [Police and Criminal Evidence Act 1984 \(c.60, SIF 95\)](#), **ss. 49(1)**, 51, 52
- F2** “(a)” inserted by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 65(7), **Sch. 9 para. 10**
- F3** Words inserted by [Criminal Justice Act 1972 \(c. 71, SIF 39:1\)](#), s. 64(1), **Sch. 5**
- F4** S. 67(1)(b) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 78, **Sch. 16**
- F5** S. 67(1A) inserted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **ss. 49(2)**, 51, 52
- F6** S. 67(1A)(c) added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 130, **Sch. 8 para. 16**
- F7** Words in s. 67(1A)(c) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), **Sch. 13 para. 16**; S.I. 1991/828, **art. 3(2)**
- F8** Words in s. 67(1A)(c) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#) s. 100, Sch. 11 para. 2(2)(a); S.I. 1992/333, **art. 2(2)**, **Sch.2**
- F9** Words substituted by [Powers of Criminal Courts Act 1973 \(c. 62, SIF 39:1\)](#), s. 56(1), **Sch. 5 para. 22**
- F10** S. 67(2A)(2B) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 22**
- F11** S. 67(5) (which was added (E.W.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 10**) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, **Sch. 11 para. 2(3)**; S.I. 1992/333, **art. 2(2)**, **Sch.2**
- F12** S. 67(6) added (E.W.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 10**
- F13** Word substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123, 170, Sch. 8 para. 16, **Sch. 15 para. 19**
- F14** Words in s. 67(6) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, **Sch. 11 para. 2(4)(a)**; S.I. 1992/333, **art. 2(2)**, **Sch.2**
- F15** Words in s. 67(6) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, **Sch. 11 para. 2(4)(b)**; S.I. 1992/333, **art. 2(2)**, **Sch.2**
- F16** S. 67(7)(8) added by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **ss. 49(3)**, 51, 52
- F17** Words substituted by [Prevention of Terrorism \(Temporary Provisions\) Act 1989 \(c. 4, SIF 39:2\)](#), s. 25(1), **Sch. 8 para. 2**

Modifications etc. (not altering text)

- C1** S. 67 modified (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 41(2)(3), 45, Sch. 12 paras. 8(2)(5), 9, 11, **13** (with s. 51(3)); S.I. 1992/333, **art. 2(2)**, **Sch.2**.
- C2** S. 67 applied (S.) (1.10.1997) by 1997 c. 43, s. 56(1), **Sch. 5 para. 9(1)(d)**; S.I. 1997/2200, **art. 2(1)(n)**
S. 67 applied (N.I.) (1.10.1997) by 1997 c. 43, s. 56(1), **Sch. 5 para. 10(1)(e)**; S.I. 1997/2200, **art. 2(1)(n)**

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