



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART V

#### CUSTODIAL SENTENCES ETC.

#### CHAPTER II

#### DETENTION AND CUSTODY OF YOUNG OFFENDERS

##### *Detention and training orders*

#### **101 Term of order, consecutive terms and taking account of remands.**

- (1) Subject to subsection (2) below, the term of a detention and training order made in respect of an offence (whether by a magistrates' court or otherwise) shall be 4, 6, 8, 10, 12, 18 or 24 months.
- (2) The term of a detention and training order may not exceed the maximum term of imprisonment that the Crown Court could (in the case of an offender aged 21 or over) impose for the offence.
- (3) Subject to subsections (4) and (6) below, a court making a detention and training order may order that its term shall commence on the expiry of the term of any other detention and training order made by that or any other court.
- (4) A court shall not make in respect of an offender a detention and training order the effect of which would be that he would be subject to detention and training orders for a term which exceeds 24 months.
- (5) Where the term of the detention and training orders to which an offender would otherwise be subject exceeds 24 months, the excess shall be treated as remitted.

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*Status: Point in time view as at 01/02/2015. This version of this provision has been superseded.*

**Changes to legislation:** *Powers of Criminal Courts (Sentencing) Act 2000, Section 101 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date.*

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- (6) A court making a detention and training order shall not order that its term shall commence on the expiry of the term of a detention and training order under which the period of supervision has already begun (under section 103(1) below).
- (7) Where a detention and training order (“the new order”) is made in respect of an offender who is subject to a detention and training order under which the period of supervision has begun (“the old order”), the old order shall be disregarded in determining—
- (a) for the purposes of subsection (4) above whether the effect of the new order would be that the offender would be subject to detention and training orders for a term which exceeds 24 months; and
  - (b) for the purposes of subsection (5) above whether the term of the detention and training orders to which the offender would (apart from that subsection) be subject exceeds 24 months.
- (8) In determining the term of a detention and training order for an offence, the court shall take account of any period for which the offender has been remanded [<sup>F1</sup>—
- (a) in custody, or
  - (b) on bail subject to a qualifying curfew condition and an electronic monitoring condition (within the meaning of section 240A of the Criminal Justice Act 2003),]
- in connection with the offence, or any other offence the charge for which was founded on the same facts or evidence.
- (9) Where a court proposes to make detention and training orders in respect of an offender for two or more offences—
- (a) subsection (8) above shall not apply; but
  - (b) in determining the total term of the detention and training orders it proposes to make in respect of the offender, the court shall take account of the total period (if any) for which he has been remanded [<sup>F2</sup>as mentioned in that subsection] in connection with any of those offences, or any other offence the charge for which was founded on the same facts or evidence.
- (10) Once a period of remand has, under subsection (8) or (9) above, been taken account of in relation to a detention and training order made in respect of an offender for any offence or offences, it shall not subsequently be taken account of (under either of those subsections) in relation to such an order made in respect of the offender for any other offence or offences.
- (11) Any reference in subsection (8) or (9) above to an offender’s being remanded in custody is a reference to his being—
- (a) held in police detention;
  - (b) remanded in or committed to custody by an order of a court;
  - [<sup>F3</sup>(c) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012; or]
  - (d) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the <sup>M1</sup>Mental Health Act 1983.
- (12) A person is in police detention for the purposes of subsection (11) above—
- (a) at any time when he is in police detention for the purposes of the <sup>M2</sup>Police and Criminal Evidence Act 1984; and
  - (b) at any time when he is detained under [<sup>F4</sup>section 41 of the Terrorism Act 2000];

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F5  
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[<sup>F6</sup>(12A) Section 243 of the Criminal Justice Act 2003 (persons extradited to the United Kingdom) applies in relation to a person sentenced to a detention and training order as it applies in relation to a fixed-term prisoner, with [<sup>F7</sup>the reference in subsection (2A) of that section to section 240ZA] being read as a reference to subsection (8) above.]

(13) For the purpose of any reference in sections 102 to 105 [<sup>F8</sup>and 106B] below to the term of a detention and training order, consecutive terms of such orders and terms of such orders which are wholly or partly concurrent shall be treated as a single term if—

- (a) the orders were made on the same occasion; or
- (b) where they were made on different occasions, the offender has not been released (by virtue of subsection (2), (3), (4) or (5) of section 102 below) at any time during the period beginning with the first and ending with the last of those occasions.

#### Textual Amendments

- F1** Words in s. 101(8) substituted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 22(6)(a)**, 153(7); S.I. 2008/2712, art. 2, Sch. para. 2
- F2** Words in s. 101(9) substituted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 22(6)(b)**, 153(7); S.I. 2008/2712, art. 2, Sch. para. 2
- F3** S. 101(11)(c) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 43(a)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F4** Words in s. 101(12)(b) substituted (19.2.2001) by 2000 c. 11, s. 125(1), **Sch. 15 para. 20(3)**; S.I. 2001/421, **art. 2**
- F5** Words in s. 101(12) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 43(b)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F6** S. 101(12A) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 13 para. 32**; S.I. 2006/3364, art. 2(e)
- F7** Words in s. 101(12A) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 13 para. 11**; S.I. 2012/2906, art. 2(k)
- F8** Words in s. 101(13) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 6(2)**, 22(1) (with Sch. 7 para. 2); S.I. 2015/40, art. 2(f)

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

- C1** S. 101(3)-(10) modified (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), **s. 213(1)(2)**, 383(2); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- C2** S. 101(3)-(7) applied (with modifications) (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), **87(2)-(5)**
- C3** S. 101(8) modified (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 213(3)**, 383(2); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- C4** S. 101(9) modified (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 213(3)**, 383(2); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- C5** S. 101(11) excluded (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 213(3)**, 383(2); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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- C6** S. 101(12) excluded (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), ss. 213\(3\), 383\(2\)](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)
- C7** S. 101(13) applied (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), ss. 215\(1\), 383\(2\)](#) (with s. 385); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)
- C8** S. 101(13) modified (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 213\(1\)\(2\), 383\(2\)](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

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#### **Marginal Citations**

**M1** 1983 c. 20.

**M2** 1984 c. 60.

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