



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART V

#### CUSTODIAL SENTENCES ETC.

#### CHAPTER I

##### GENERAL PROVISIONS

##### *[<sup>F1</sup> Life sentences]*

##### <sup>F1</sup>**82A Determination of tariffs.**

- (1) This section applies if a court passes a life sentence in circumstances [<sup>F2</sup>where the sentence is not fixed by law].
- (2) The court shall, unless it makes an order under subsection (4) below, order that the provisions of section 28(5) to (8) of the <sup>M1</sup>Crime (Sentences) Act 1997 (referred to in this section as the “early release provisions”) shall apply to the offender as soon as he has served the part of his sentence which is specified in the order.
- (3) The part of his sentence shall be such as the court considers appropriate taking into account—
  - (a) the seriousness of the offence, or of the combination of the offence and one or more offences associated with it;
  - (b) the effect of any direction which it would have given under [<sup>F3</sup>section 240 of the Criminal Justice Act 2003][<sup>F4</sup>(crediting periods of remand in custody) or under section 246 of the Armed Forces Act 2006 (equivalent provision for service courts)][<sup>F5</sup>or under section 240A of that Act of 2003 (crediting periods

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- of remand on bail subject to certain types of condition)] if it had sentenced him to a term of imprisonment; and
- (c) the early release provisions as compared with [<sup>F6</sup>section 244(1) of the Criminal Justice Act 2003] .
- (4) If [<sup>F7</sup>the offender was aged 21 or over when he committed the offence and] the court is of the opinion that, because of the seriousness of the offence or of the combination of the offence and one or more offences associated with it, no order should be made under subsection (2) above, the court shall order that, <sup>F8</sup> ..., the early release provisions shall not apply to the offender.
- [ No order under subsection (4) above may be made where the life sentence is—
- <sup>F9</sup>(4A) (a) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003, or
- (b) a sentence of detention for public protection under section 226 of that Act.]
- <sup>F10</sup>(5) .....
- <sup>F10</sup>(6) .....
- (7) In this section—
- “court” includes [<sup>F11</sup>the Court Martial];
- “life sentence” has the same meaning as in Chapter II of Part II of the <sup>M2</sup>Crime (Sentences) Act 1997.
- (8) So far as this section relates to sentences passed by [<sup>F12</sup>the Court Martial], section 167(1) below does not apply.]

#### Textual Amendments

- F1** S. 82A and cross-heading inserted (30.11.2000) by 2000 c. 43, **ss. 60(1), 80(3)**
- F2** Words in s. 82A(1) substituted (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), **Sch. 32 para. 109(2)**
- F3** Words in s. 82A(3)(b) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 109(3)(a)**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 42(34)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))
- F4** Words in s. 82A(3)(b) substituted (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. 383(2), **Sch. 16 para. 163(2)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F5** Words in s. 82A(3)(b) inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 22(5), 153(7)**; [S.I. 2008/2712](#), art. 2, **Sch. para. 2**
- F6** Words in s. 82A(3)(c) substituted (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), **Sch. 32 para. 109(3)(b)**
- F7** Words in s. 82A(4) inserted (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), **Sch. 32 para. 109(4)(a)**
- F8** Words in s. 82A(4) repealed (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), **Sch. 32 para. 109(4)(b)**, **Sch. 37 Pt. 8**
- F9** S. 82A(4A) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 18 para. 4**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 40** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

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- F10** S. 82A(5)(6) repealed (18.12.2003) by Criminal Justice Act 2003 (c. 44), s. 336(2), Sch. 32 para. 109(5), **Sch. 37 Pt. 8**
- F11** Words in s. 82A(7) substituted (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. 383(2), **Sch. 16 para. 163(3)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F12** Words in s. 82A(8) substituted (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. 383(2), **Sch. 16 para. 163(3)**; 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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**Modifications etc. (not altering text)**

- C1** S. 82A modified (30.11.2000) by 2000 c. 43, **ss. 60(4), 80(3)**

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**Marginal Citations**

- M1** 1997 c. 43.  
**M2** 1997 c. 43.

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