



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 5

#### DANGEROUS OFFENDERS

*[<sup>F1</sup>Supplementary]*

#### Textual Amendments

- F1** Cross-heading in Pt. 12 Ch. 5 inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 19 para. 19](#); S.I. 2012/2906, art. 2(q)

## 231 Appeals where previous convictions set aside

<sup>F2</sup>(A1) Subsection (2) applies where—

- (a) a sentence has been imposed on a person under section 224A,
- (b) a previous conviction of that person has been subsequently set aside on appeal, and
- (c) without that conviction, the previous offence condition in section 224A(4) would not have been met.]

<sup>F3</sup>(1) <sup>F4</sup>Subsection (2) also] applies where—

- (a) a sentence has been imposed on any person under section 225(3)<sup>F5</sup>, 226A] or 227(2),
- (b) the condition in section 225(3A) or (as the case may be) <sup>F6</sup>226A(2) or] 227(2A) was met but the condition in section 225(3B) or (as the case may be) <sup>F7</sup>226A(3) or] 227(2B) was not, and

*Status: Point in time view as at 03/12/2012.*

*Changes to legislation: Criminal Justice Act 2003, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 26 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)*

- (c) any previous conviction of his without which the condition in section 225(3A) or (as the case may be) [<sup>F8</sup>226A(2) or] 227(2A) would not have been met has been subsequently set aside on appeal.]
- (2) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968 (c. 19), notice of appeal against the sentence may be given at any time within 28 days from the date on which the previous conviction was set aside.
- [<sup>F9</sup>(3) Subsection (4) applies where—
- (a) a sentence has been imposed on a person under section 224A,
  - (b) a previous sentence imposed on that person has been subsequently modified on appeal, and
  - (c) taking account of that modification, the previous offence condition in section 224A(4) would not have been met.
- (4) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968, notice of appeal against the sentence mentioned in subsection (3)(a) may be given at any time within 28 days from the date on which the previous sentence was modified.]

#### Textual Amendments

- F2** S. 231(A1) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 19 para. 20\(2\)](#); S.I. 2012/2906, art. 2(q)
- F3** S. 231(1) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 18\(1\)](#), 153; S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 para. 9
- F4** Words in s. 231(1) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 19 para. 20\(3\)](#); S.I. 2012/2906, art. 2(q)
- F5** Words in s. 231(1)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 25\(a\)](#); S.I. 2012/2906, art. 2(s)
- F6** Words in s. 231(1)(b) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 25\(b\)\(i\)](#); S.I. 2012/2906, art. 2(s)
- F7** Words in s. 231(1)(b) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 25\(b\)\(ii\)](#); S.I. 2012/2906, art. 2(s)
- F8** Words in s. 231(1)(c) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 25\(c\)](#); S.I. 2012/2906, art. 2(s)
- F9** S. 231(3)(4) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 19 para. 20\(4\)](#); S.I. 2012/2906, art. 2(q)

#### Commencement Information

- I1** S. 231 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 para. 18 (subject to [art. 2\(2\)](#), Sch. 2)

## <sup>F10</sup>232 Certificates of convictions for purposes of sections 225 and 227

.....

#### Textual Amendments

- F10** S. 232 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 26](#); S.I. 2012/2906, art. 2(s)

*Status: Point in time view as at 03/12/2012.*

*Changes to legislation: Criminal Justice Act 2003, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 26 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)*

## [<sup>F11</sup>232A Certificates of conviction

Where—

- (a) on any date after the commencement of Schedule 15B a person is convicted in England and Wales of an offence listed in that Schedule, and
- (b) the court by or before which the person is so convicted states in open court that the person has been convicted of such an offence on that date, and
- (c) that court subsequently certifies that fact,

that certificate is evidence, for the purposes of section 224A, that the person was convicted of such an offence on that date.]

### Textual Amendments

- F11** S. 232A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 19 para. 21](#); S.I. 2012/2906, art. 2(q)

## 233 Offences under service law

<sup>F12</sup> .....

### Textual Amendments

- F12** S. 233 repealed (23.3.2010) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 148, 149, 153, [Sch. 26 para. 70](#), {[Sch. 28 para. Pt. 2](#)}; S.I. 2010/712, [art. 2\(c\)\(f\)](#)

## 234 Determination of day when offence committed

<sup>F13</sup> .....

### Textual Amendments

- F13** S. 234 repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 18(3), 149, 153, {[Sch. 28 para. Pt. 2](#)}; S.I. 2008/1586, [art. 2\(1\)](#), [Sch. 1 paras. 9, 50\(2\)\(c\)](#)

## 235 Detention under sections 226<sup>F14</sup>, 226B] and 228

A person sentenced to be detained under section 226<sup>F15</sup>, 226B] or 228 is liable to be detained in such place, and under such conditions, as may be determined by the Secretary of State or by such other person as may be authorised by him for the purpose.

### Textual Amendments

- F14** Words in s. 235 heading inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 28](#); S.I. 2012/2906, art. 2(s)
- F15** Words in s. 235 inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 27](#); S.I. 2012/2906, art. 2(s)

*Status: Point in time view as at 03/12/2012.*

*Changes to legislation: Criminal Justice Act 2003, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 26 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)*

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

- C1** S. 235 applied by [Armed Forces Act 2006 \(c. 52\)](#), [s. 224](#) (as substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [s. 151\(1\)](#), [Sch. 22 para. 29](#); [S.I. 2012/2906](#), [art. 2\(t\)](#))

**Commencement Information**

- I2** S. 235 wholly in force at 4.4.2005, see [s. 336\(3\)](#) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 18](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

**236 Conversion of sentences of detention into sentences of imprisonment**

For section 99 of the Sentencing Act (conversion of sentence of detention and custody into sentence of imprisonment) there is substituted—

*“Conversion of sentence of detention to sentence of imprisonment*

**99 Conversion of sentence of detention to sentence of imprisonment**

- (1) Subject to the following provisions of this section, where an offender has been sentenced by a relevant sentence of detention to a term of detention and either—
- (a) he has attained the age of 21, or
  - (b) he has attained the age of 18 and has been reported to the Secretary of State by the board of visitors of the institution in which he is detained as exercising a bad influence on the other inmates of the institution or as behaving in a disruptive manner to the detriment of those inmates,
- the Secretary of State may direct that he shall be treated as if he had been sentenced to imprisonment for the same term.
- (2) Where the Secretary of State gives a direction under subsection (1) above in relation to an offender, the portion of the term of detention imposed under the relevant sentence of detention which he has already served shall be deemed to have been a portion of a term of imprisonment.
- (3) Where the Secretary of State gives a direction under subsection (1) above in relation to an offender serving a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 the offender shall be treated as if he had been sentenced under section 225 of that Act; and where the Secretary of State gives such a direction in relation to an offender serving an extended sentence of detention under section 228 of that Act the offender shall be treated as if he had been sentenced under section 227 of that Act.
- (4) Rules under section 47 of the Prison Act 1952 may provide that any award for an offence against discipline made in respect of an offender serving a relevant sentence of detention shall continue to have effect after a direction under subsection (1) has been given in relation to him.
- (5) In this section “relevant sentence of detention” means—
- (a) a sentence of detention under section 90 or 91 above,
  - (b) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003, or
  - (c) an extended sentence of detention under section 228 of that Act.”

---

**Status:** Point in time view as at 03/12/2012.

**Changes to legislation:** Criminal Justice Act 2003, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 26 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)

---

---

**Commencement Information**

- I3** S. 236 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 18 (subject to **art. 2(2)**, Sch. 2)

**Status:**

Point in time view as at 03/12/2012.

**Changes to legislation:**

Criminal Justice Act 2003, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 26 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.