



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 5

#### DANGEROUS OFFENDERS

## **226 Detention for life or detention for public protection for serious offences committed by those under 18**

- (1) This section applies where—
- (a) a person aged under 18 is convicted of a serious offence committed after the commencement of this section, and
  - (b) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by him of further specified offences.
- (2) If—
- (a) the offence is one in respect of which the offender would apart from this section be liable to a sentence of detention for life under section 91 of the Sentencing Act, and
  - (b) the court considers that the seriousness of the offence, or of the offence and one or more offences associated with it, is such as to justify the imposition of a sentence of detention for life,
- the court must impose a sentence of detention for life under that section.
- (3) If, in a case not falling within subsection (2), the court considers that an extended sentence under section 228 would not be adequate for the purpose of protecting the public from serious harm occasioned by the commission by the offender of further specified offences, the court must impose a sentence of detention for public protection.

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*Status: Point in time view as at 04/04/2005. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 2003, Section 226 is up to date with all changes known to be in force on or before 21 July 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)*

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- (4) A sentence of detention for public protection is a sentence of detention for an indeterminate period, subject to the provisions of Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (c. 43) as to the release of prisoners and duration of licences.
- (5) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

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

- C1** S. 226 applied (with modifications) (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 221, 383](#) (with s. 385) (as amended (31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 145, 153](#), [Sch. 25 para. 15](#); S.I. 2009/1028, [art. 2\(b\)](#)); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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**Commencement Information**

- I1** S. 226 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 04/04/2005. This version of this provision has been superseded.

**Changes to legislation:**

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