



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 4

SENTENCING

CHAPTER 1

SENTENCING COUNCIL FOR ENGLAND AND WALES

Duties of the court

126 Determination of tariffs etc

- (1) Section 125(3) (except as applied by virtue of subsection (3) below) is subject to any power a court has to impose—
- ^{F1}(a)
 - ^{F1}(b)
 - (c) an extended sentence of imprisonment by virtue of section [^{F2}226A of the Criminal Justice Act 2003];
 - (d) an extended sentence of detention by virtue of section [^{F3}226B] of that Act.
- (2) Subsection (3) applies where a court determines the notional determinate term for the purpose of determining in any case—
- (a) the order to be made under section 82A of the Powers of Criminal Courts (Sentencing) Act 2000 (life sentence: determination of tariffs),
 - ^{F4}(b)
 - (c) the appropriate custodial term for the purposes of section [^{F5}226A(6) of the Criminal Justice Act 2003] (extended sentence for certain violent [^{F6}, sexual or terrorism] offences: persons 18 or over), or
 - (d) the appropriate term for the purposes of section [^{F7}226B(4)] of that Act (extended sentence for certain violent [^{F8}, sexual or terrorism] offences: persons under 18).

Status: Point in time view as at 12/04/2019. This version of this provision has been superseded.

Changes to legislation: Coroners and Justice Act 2009, Section 126 is up to date with all changes known to be in force on or before 05 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)

- (3) Subsections (2) to (5) of section 125 apply for the purposes of determining the notional determinate term in relation to an offence as they apply for the purposes of determining the sentence for an offence.
- (4) In this section references to the notional determinate term are to the determinate sentence that would have been passed in the case if the need to protect the public and the potential danger of the offender had not required the court to impose a life sentence (in circumstances where the sentence is not fixed by law) or, as the case may be, an extended sentence of imprisonment or detention.
- (5) In subsection (4) “life sentence” [F9] means a sentence mentioned in subsection (2) of section 34 of the Crime (Sentences) Act 1997 other than a sentence mentioned in paragraph (d) or (e) of that subsection].

Textual Amendments

- F1** S. 126(1)(a)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 34\(2\)\(a\)](#); S.I. 2012/2906, art. 2(s)
- F2** Words in s. 126(1)(c) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 34\(2\)\(b\)](#); S.I. 2012/2906, art. 2(s)
- F3** Word in s. 126(1)(d) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 34\(2\)\(c\)](#); S.I. 2012/2906, art. 2(s)
- F4** S. 126(2)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 34\(3\)\(a\)](#); S.I. 2012/2906, art. 2(s)
- F5** Words in s. 126(2)(c) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 34\(3\)\(b\)](#); S.I. 2012/2906, art. 2(s)
- F6** Words in s. 126(2)(c) substituted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 12\(2\)\(a\)](#) (with s. 25(3)(4))
- F7** Word in s. 126(2)(d) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 34\(3\)\(c\)](#); S.I. 2012/2906, art. 2(s)
- F8** Words in s. 126(2)(d) substituted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 12\(2\)\(b\)](#) (with s. 25(3)(4))
- F9** Words in s. 126(5) substituted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 34\(4\)](#); S.I. 2012/2906, art. 2(s)

Commencement Information

- I1** S. 126 in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, [Sch. para. 8](#)

Status:

Point in time view as at 12/04/2019. This version of this provision has been superseded.

Changes to legislation:

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