

Status: Point in time view as at 13/04/2015.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, SCHEDULE 21 is up to date with all changes known to be in force on or before 01 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)

SCHEDULES

SCHEDULE 21

Section 126

ABOLITION OF CERTAIN SENTENCES FOR DANGEROUS OFFENDERS AND NEW EXTENDED SENTENCES: CONSEQUENTIAL AND TRANSITORY PROVISION

PART 1

CONSEQUENTIAL PROVISION

Juries Act 1974 (c. 23)

- 1 In Part 2 of Schedule 1 to the Juries Act 1974 (persons disqualified from jury service) in paragraph 6(d), before “227” insert “ 226A, 226B, ”.

Rehabilitation of Offenders Act 1974 (c. 53)

- 2 In section 5 of the Rehabilitation of Offenders Act 1974 (sentences excluded from rehabilitation under that Act), in subsection (1)(f), before “227” insert “ 226A, 226B, ”.

Criminal Justice Act 1982 (c. 48)

- 3 In section 32 of the Criminal Justice Act 1982 (early release of prisoners), in subsection (1)(a), before “227” insert “ 226A or ”.

Road Traffic Offenders Act 1988 (c. 53)

- 4 (1) Section 35A of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence imposed as well as driving disqualification) is amended as follows.
- (2) In subsection (4)(e)—
- (a) for “227” substitute “ 226A ”,
 - (b) for “half” substitute “ two-thirds of ”, and
 - (c) for “227(2C)(a)” substitute “ 226A(5)(a) ”.
- (3) In subsection (4)(f)—
- (a) for “228” substitute “ 226B ”,
 - (b) for “half” substitute “ two-thirds of ”, and
 - (c) for “228(2B)(a)” substitute “ 226B(3)(a) ”.
- (4) In subsection (8), omit “or 247(2)”.
- (5) In subsection (9), omit paragraph (b).

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Crime (Sentences) Act 1997 (c. 43)

- 5 In Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands), in paragraph 9(2)(a), after “244,” insert “ 246A, ”.

Crime and Disorder Act 1998 (c. 37)

- 6 In section 51A of the Crime and Disorder Act 1998 (sending cases to the Crown Court: children and young persons), in subsection (3)(d), for “226(3) or 228(2)” substitute “ 226B ”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 7 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- 8 In section 3A (committal for sentence of dangerous adult offenders), in subsection (2), for “225(3) or 227(2)” substitute “ 226A ”.
- 9 In section 3C (committal for sentence of dangerous young offenders), in subsection (2), for “226(3) or 228(2)” substitute “ 226B ”.
- 10 In section 76 (meaning of “custodial sentence”), in subsection (1)(bc), after “section” insert “ 226B or ”.
- 11 (1) Section 82A (determination of tariffs of life prisoners) is amended as follows.
- (2) Omit subsection (4A).
- (3) In subsection (7), for the definition of “life sentence” substitute—
- ““life sentence” 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.”
- 12 (1) Section 99 (conversion of sentence of detention to sentence of imprisonment) is amended as follows.
- (2) In subsection (3), omit the words from “; and” to the end.
- (3) After that subsection insert—
- “(3A) Where the Secretary of State gives a direction under subsection (1) above in relation to an offender serving an extended sentence of detention imposed under Chapter 5 of Part 12 of the Criminal Justice Act 2003—
- (a) if the sentence was imposed under section 226B of that Act, the offender shall be treated as if the offender had been sentenced under section 226A of that Act, and
- (b) if the sentence was imposed under section 228 of that Act, the offender shall be treated as if the offender had been sentenced under section 227 of that Act.”
- (4) In subsection (5)(c), after “section” insert “ 226B or ”.
- 13 In section 100 (offenders under 18: detention and training orders), in subsection (1), for “228” substitute “ 226B ”.
- 14 (1) Section 106A (interaction of detention and training orders with sentences of detention) is amended as follows.

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- (2) In subsection (1), in paragraph (b) of the definition of “sentence of detention”, after “section” insert “ 226B or ”.
- (3) In subsection (6)—
- (a) before “228” insert “ 226B or ”, and
 - (b) after “Board under” insert “ subsection (5)(b) of section 246A or (as the case may be) ”.
- 15 (1) Section 147A (extension of driving disqualification where custodial sentence also imposed) is amended as follows.
- (2) In subsection (4)(e)—
- (a) for “227” substitute “ 226A ”,
 - (b) for “half” substitute “ two-thirds of ”, and
 - (c) for “227(2C)(a)” substitute “ 226A(5)(a) ”.
- (3) In subsection (4)(f)—
- (a) for “228” substitute “ 226B ”,
 - (b) for “half” substitute “ two-thirds of ”, and
 - (c) for “228(2B)(a)” substitute “ 226B(3)(a) ”.
- (4) In subsection (8), omit “or 247(2)”.
- (5) In subsection (9), omit paragraph (b).

Criminal Justice and Court Services Act 2000 (c. 43)

- 16 The Criminal Justice and Court Services Act 2000 is amended as follows.
- 17 In section 62 (release on licence etc: conditions as to monitoring), in subsection (5) (f), after “226” insert “ , 226B ”.
- 18 In section 64 (release on licence: drug testing requirements), in subsection (5)(f), after “226” insert “ , 226B ”.

Sexual Offences Act 2003 (c. 42)

- 19 In section 131 of the Sexual Offences Act 2003 (young offenders: application), in paragraph (l), before “228” insert “ 226B or ”.

Criminal Justice Act 2003 (c. 44)

- 20 The Criminal Justice Act 2003 is amended as follows.
- 21 In section 153 (length of discretionary custodial sentences: general provision), in subsection (2), for “227(2) and 228(2)” substitute “ 226A(4) and 226B(2) ”.
- 22 (1) Section 156 (pre-sentence reports and other requirements) is amended as follows.
- (2) In subsection (3)(a), for “section 227(1)(b) or section 228(1)(b)(i)” substitute “ section 226A(1)(b) or section 226B(1)(b) ”.
- (3) After subsection (9) (inserted by paragraph 13 of Schedule 19) insert—

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- “(10) The reference in subsection (1) to a court forming the opinion mentioned in section 153(2) includes a court forming that opinion for the purposes of section 226A(6) or 226B(4).”
- 23 In the heading of section 225 (life sentence or imprisonment for public protection for serious offences) omit “or imprisonment for public protection”.
- 24 In the heading of section 226 (detention for life or detention for public protection for serious offences by those aged under 18) omit “or detention for public protection”.
- 25 In section 231 (appeals where convictions set aside), in subsection (1)—
- (a) in paragraph (a), after “225(3)” insert “, 226A ”,
- (b) in paragraph (b)—
- (i) before “227(2A)” insert “ 226A(2) or ”, and
- (ii) before “227(2B)” insert “ 226A(3) or ”, and
- (c) in paragraph (c), after “may be)” insert “ 226A(2) or ”.
- 26 Omit section 232 (certificates of convictions for the purposes of sections 225 and 227).
- 27 In section 235 (detention under sections 226 and 228) after “226” insert “, 226B ”.
- 28 In the heading of that section after “226” insert “, 226B ”.
- 29 In section 327 (arrangements for assessing etc risks posed by certain offenders: interpretation), in subsection (3)(b)(vi), after “section” insert “ 226B or ”.
- 30 In section 330 (orders and rules), in subsection (5)(a), omit—
- (a) “227(6),”, and
- (b) “228(7)”.
- 31 Omit Schedule 15A (offences specified for the purposes of sections 225(3A) and 227(2A)).

Offender Management Act 2007 (c. 21)

- 32 (1) Section 28 of the Offender Management Act 2007 (application of polygraph conditions for certain offenders released on licence) is amended as follows.
- (2) In subsection (3)(a), after “section” insert “ 226A or ”.
- (3) In subsection (3)(f), after “226” insert “, 226B ”.

Counter-Terrorism Act 2008 (c. 28)

- 33 In section 45(1)(a) of the Counter-Terrorism Act 2008 (sentences or orders triggering notification requirements under Part 4 of that Act), after sub-paragraph (vi) (but before the “or” at the end of that sub-paragraph), insert—
- “(via) detention under section 226B of that Act (extended sentence of detention for certain dangerous offenders aged under 18),”.

Coroners and Justice Act 2009 (c. 25)

- 34 (1) Section 126 of the Coroners and Justice Act 2009 (determination of tariffs etc) is amended as follows.

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- (2) In subsection (1)—
- (a) omit paragraphs (a) and (b),
 - (b) in paragraph (c), for “227 of that Act” substitute “ 226A of the Criminal Justice Act 2003 ”, and
 - (c) in paragraph (d), for “228” substitute “ 226B ”.
- (3) In subsection (2)—
- (a) omit paragraph (b),
 - (b) in paragraph (c), for “227(3) of that Act” substitute “ 226A(6) of the Criminal Justice Act 2003 ”, and
 - (c) in paragraph (d), for “228(3)” substitute “ 226B(4) ”.
- (4) In subsection (4), for the words from “has” to the end substitute “ 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 ”.

Consequential repeals

- 35 In consequence of amendments made by section 123, 124 or 125 or this Schedule—
- (a) in the Criminal Justice Act 2003, omit paragraph 4 of Schedule 18, and
 - (b) in the Criminal Justice and Immigration Act 2008 omit—
 - (i) sections 13, 14, 15, 16 and 18(2);
 - (ii) Schedule 5;
 - (iii) in Schedule 26, paragraph 76.

PART 2

TRANSITORY PROVISION

- 36 (1) In relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution, custody for life etc), Chapter 5 of Part 12 of the Criminal Justice Act 2003 (sentencing: dangerous offenders) has effect with the modifications in subparagraphs (2) and (3).
- (2) In section 226A (extended sentence for certain violent or sexual offences: persons 18 or over), at the end insert—
- “(12) In the case of a person aged at least 18 but under 21, this section has effect as if—
- (a) the reference in subsection (1)(c) to imprisonment for life were to custody for life, and
 - (b) other references to imprisonment (including in the expression “extended sentence of imprisonment”) were to detention in a young offender institution.”
- (3) In section 226B (extended sentence for certain violent or sexual offences: persons under 18), in subsection (7), for “18” substitute “ 21 ”.
- 37 (1) In relation to any time before the repeal of section 30 of the Criminal Justice and Court Services Act 2000 (protection of children: supplemental) by Schedule 10

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to the Safeguarding Vulnerable Groups Act 2006, that section has effect with the modification in sub-paragraph (2).

- (2) In subsection (1), in paragraph (dd) of the definition of “qualifying sentence”, after “226” insert “, 226B”.

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