



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 4

RELEASE ON LICENCE ETC

Calculation of days to be served

109 Crediting of periods of remand on bail

- (1) Section 240A of the Criminal Justice Act 2003 (crediting periods of remand on bail: terms of imprisonment and detention) is amended as follows.
- (2) In subsection (2), for “subsection (4)” substitute “ subsections (3A) and (3B) ”.
- (3) For subsections (3) to (7) substitute—
 - “(3) The credit period is calculated by taking the following steps.
Step 1 Add—
 - (a) the day on which the offender's bail was first subject to the relevant conditions (and for this purpose a condition is not prevented from being a relevant condition by the fact that it does not apply for the whole of the day in question), and
 - (b) the number of other days on which the offender's bail was subject to those conditions (but exclude the last of those days if the offender spends the last part of it in custody).

Status: Point in time view as at 01/12/2020.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 109 is up to date with all changes known to be in force on or before 26 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)

Step 2 Deduct the number of days on which the offender, whilst on bail subject to the relevant conditions, was also—

- (a) subject to any requirement imposed for the purpose of securing the electronic monitoring of the offender's compliance with a curfew requirement, or
- (b) on temporary release under rules made under section 47 of the Prison Act 1952.

Step 3 From the remainder, deduct the number of days during that remainder on which the offender has broken either or both of the relevant conditions.

Step 4 Divide the result by 2.

Step 5 If necessary, round up to the nearest whole number.

(3A) A day of the credit period counts as time served—

- (a) in relation to only one sentence, and
- (b) only once in relation to that sentence.

(3B) A day of the credit period is not to count as time served as part of any period of 28 days served by the offender before automatic release (see section 255B(1)).”

^{F1}(4)

(5) Omit subsections (9) and (10).

(6) In subsection (11)—

- (a) for “Subsections (7) to (10) of section 240” substitute “ Subsections (7) to (9) and (11) of section 240ZA ”;
- (b) in paragraph (b), for “in subsection (8) the reference to subsection (3) of section 240 is” substitute “ in subsection (9) the references to subsections (3) and (5) of section 240ZA are ”.

^{F2}(7)

(8) In the heading of the section, for “Crediting periods of remand on bail” substitute “ Time remanded on bail to count towards time served ”.

Textual Amendments

- F1** S. 109(4) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F2** S. 109(7) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** S. 109 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), **ss. 1, 5(2)(3)**; S.I. 2012/1236, reg. 2

Status:

Point in time view as at 01/12/2020.

Changes to legislation:

Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 109 is up to date with all changes known to be in force on or before 26 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.