



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 5

ABSOLUTE AND CONDITIONAL DISCHARGE

79 Order for absolute discharge

- (1) In this Code “order for absolute discharge” means an order discharging an offender absolutely in respect of an offence.

Availability

- (2) An order for absolute discharge is available to a court dealing with an offender for an offence where—
- the offender is convicted by or before the court, and
 - the offence is not one in relation to which a mandatory sentence requirement applies (see section 399).

Exercise of power to make order for absolute discharge

- (3) Where it is available, the court may make an order for absolute discharge if it is of the opinion that it is inexpedient to inflict punishment, having regard to the circumstances, including—
- the nature of the offence, and
 - the character of the offender.

Effect on other orders

- (4) Nothing in this section is to be taken to prevent a court, on discharging an offender absolutely in respect of an offence, from—
- imposing any disqualification on the offender,
 - making any of the following orders in respect of the offence—

Status: Point in time view as at 03/07/2023.

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- (i) a compensation order (see section 133);
- (ii) an order under section 152 (deprivation orders);
- (iii) a restitution order (see section 147);
- (iv) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013,
- (c) making an order under section 46 (criminal courts charge), or
- (d) making an order for costs against the offender.

Commencement Information

II S. 79 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

80 Order for conditional discharge

- (1) In this Code “order for conditional discharge” means an order discharging an offender for an offence subject to the condition that the offender commits no offence during the period specified in the order (referred to in this Code as “the period of conditional discharge”).

Availability

- (2) An order for conditional discharge is available to a court dealing with an offender for an offence where—
- (a) the offender is convicted by or before the court, and
 - (b) the offence is not one in relation to which a mandatory sentence requirement applies (see section 399).
- (3) But see the following for circumstances where an order for conditional discharge is not available—
- (a) section 66ZB(6) of the Crime and Disorder Act 1998 (effect of youth cautions);
 - (b) section 66F of that Act (youth conditional cautions);
 - (c) section 103I(4) of the Sexual Offences Act 2003 (breach of sexual harm prevention order and interim sexual harm prevention order etc);
 - (d) section 339(3) (breach of criminal behaviour order);
 - [^{F1}(da) section 342G(4) (offences relating to a serious violence reduction order);]
 - (e) section 354(5) (breach of sexual harm prevention order).

Exercise of power to make order for conditional discharge

- (4) Where it is available, the court may make an order for conditional discharge if it is of the opinion that it is inexpedient to inflict punishment, having regard to the circumstances, including—
- (a) the nature of the offence, and
 - (b) the character of the offender.
- (5) The period of conditional discharge specified in an order for conditional discharge must be a period of not more than 3 years beginning with the day on which the order is made.

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- (6) On making an order for conditional discharge, the court may, if it thinks it expedient for the purpose of the offender's reformation, allow any person who consents to do so to give security for the good behaviour of the offender.

Effect on other orders

- (7) Nothing in this section prevents a court, on making an order for conditional discharge in respect of an offence, from—
- (a) imposing any disqualification on the offender,
 - (b) making any of the following orders in respect of the offence—
 - (i) a compensation order (see section 133),
 - (ii) an order under section 152 (deprivation orders), or
 - (iii) a restitution order (see section 147), or
 - (iv) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013,
 - (c) making an order under section 46 (criminal courts charge), or
 - (d) making an order for costs against the offender.

Textual Amendments

- F1** [S. 80\(3\)\(da\)](#) inserted (28.4.2022 for specified purposes, 19.4.2023 for the specified purpose and for the specified period of 24 months beginning with that date) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 165(2), 166, 208(4)(u)**; [S.I. 2023/387](#), **regs. 1, 5(1)(b)(2)** (with [reg. 6](#))

Commencement Information

- I2** [S. 80](#) in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

81 Commission of further offence by person conditionally discharged

Schedule 2 makes provision that applies where a person in respect of whom an order for conditional discharge has been made commits a further offence during the period of conditional discharge.

Commencement Information

- I3** [S. 81](#) in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

82 Effect of discharge

- (1) This section applies where—
- (a) an order for absolute discharge, or
 - (b) an order for conditional discharge,
- is made in respect of an offence.
- (2) The conviction of that offence is to be deemed not to be a conviction for any purpose other than the purposes of—
- (a) the proceedings in which the order is made, and

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- (b) in the case of an order for conditional discharge, any subsequent proceedings which may be taken against the offender under Schedule 2.

This is subject to subsection (3).

- (3) In the case of an order for conditional discharge, if the offender is sentenced (under Schedule 2) for the offence—
- (a) the order ceases to have effect, and
 - (b) if the offender was aged 18 or over when convicted of the offence, subsection (2) ceases to apply to the conviction.
- (4) Without prejudice to subsections (2) and (3), the offender's conviction is in any event to be disregarded for the purposes of any enactment or instrument which—
- (a) imposes any disqualification or disability upon convicted persons, or
 - (b) authorises or requires the imposition of any such disqualification or disability.
- (5) Subsections (2) to (4) do not affect—
- (a) any right of the offender to rely on the conviction in bar of any subsequent proceedings for the same offence, or
 - (b) the restoration of any property in consequence of the conviction.
- (6) In subsection (4)—
- “enactment” includes an enactment contained in a local Act;
- “instrument” means an instrument having effect by virtue of an Act.
- (7) Subsection (2) has effect subject to the following (which concern rights of appeal)—
- (a) section 50(1A) of the Criminal Appeal Act 1968, and
 - (b) section 108(1A) of the Magistrates' Courts Act 1980.

Nothing in this subsection affects any other enactment that excludes the effect of subsection (2) or (4) for particular purposes.

Modifications etc. (not altering text)

- C1** S. 82 excluded (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\), ss. 6\(2\)\(d\), 40\(7\)](#); S.I. 2020/1662, reg. 2(f)
- C2** S. 82 excluded by 1984 c. 42, [s. 31R\(6\)\(b\)](#) (as inserted (21.7.2022) by [Domestic Abuse Act 2021 \(c. 17\), ss. 65, 90\(6\)](#); S.I. 2022/840, regs. 1(2), [2\(a\)](#) (with reg. 3))
- C3** S. 82 excluded by 2003 c. 39, [s. 85F\(6\)\(b\)](#) (as inserted (21.7.2022) by [Domestic Abuse Act 2021 \(c. 17\), ss. 66, 90\(6\)](#); S.I. 2022/840, regs. 1(2), [2\(b\)](#) (with reg. 3))
- C4** S. 82(2) excluded by 2015 c. 30, [s. 34\(3\)\(a\)](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 294](#) (with Sch. 24 para. 447, [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

Commencement Information

- I4** S. 82 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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PART 6

ORDERS RELATING TO CONDUCT

CHAPTER 1

REFERRAL ORDERS FOR OFFENDERS AGED UNDER 18

Making referral orders

83 Referral order

- (1) In this Code “referral order” means an order—
 - (a) which requires an offender to attend each of the meetings of a youth offender panel established for the offender by a youth offending team, and
 - (b) by virtue of which the offender is required to comply, for a particular period, with a programme of behaviour to be agreed between the offender and the panel in accordance with this Part (which takes effect as a youth offender contract).
- (2) For the court's power to order other persons to attend meetings of the panel, see section 90.
- (3) For provision about—
 - (a) the youth offender panel, see section 91;
 - (b) the youth offender contract, see section 96.
- (4) For the purposes of this Code, references to an offender being referred to a youth offender panel are to a referral order being made in respect of the offender.

Commencement Information

I5 S. 83 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

84 Referral order: availability

- (1) A referral order is available to a court dealing with an offender for an offence where—
 - (a) the court is a youth court or other magistrates' court,
 - (b) the offender is aged under 18 when convicted,
 - (c) neither the offence nor any connected offence is an offence the sentence for which is fixed by law,
 - (d) the court is not proposing to—
 - (i) impose a custodial sentence, or
 - (ii) make a hospital order (within the meaning of the Mental Health Act 1983),in respect of the offence or any connected offence,
 - (e) the court is not proposing to make—
 - (i) an order for absolute discharge, or
 - (ii) an order for conditional discharge,

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- in respect of the offence, and
- (f) the offender pleaded guilty to the offence or to any connected offence.

- (2) But a referral order is not available unless the court has been notified by the Secretary of State that arrangements for the implementation of referral orders are available in the area in which it appears to the court that the offender resides or will reside (and the notice has not been withdrawn).

Commencement Information

I6 S. 84 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

85 Duty and power to make referral order

- (1) Where a referral order is available—
- (a) the court must make a referral order if the compulsory referral conditions are met;
 - (b) otherwise, the court may make a referral order.
- (2) The compulsory referral conditions are met where—
- (a) the offence is an imprisonable offence,
 - (b) the offender pleaded guilty to the offence and to any connected offence, and
 - (c) the offender has never been—
 - (i) convicted by or before a court in the United Kingdom of any offence other than the offence and any connected offence, ^{F2}...
 - ^{F2}(ii)
- [^{F3}(2A) But the compulsory referral conditions are not met if—
- (a) the proceedings for the offence were instituted before IP completion day (see section 397(5)) and,
 - (b) the offender has previously been convicted by or before a court in a member State of any offence]
- (3) For the effect of making a referral order on the court's other sentencing powers, see section 89.

Textual Amendments

F2 S. 85(2)(c)(ii) and word omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\), s. 417\(9\), Sch. 22 para. 87\(1\)](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520, regs. 1\(1\), 5\(3\)\(a\)](#))

F3 S. 85(2A) inserted (31.12.2020) by [Sentencing Act 2020 \(c. 17\), Sch. 22 para. 87\(2\)](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\), regs. 1\(1\), 5\(3\)\(b\)](#))

Commencement Information

I7 S. 85 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

86 Making of referral order: general

- (1) A referral order must specify—

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- (a) the youth offending team which is to establish a youth offender panel for the offender, and
 - (b) the period for which any youth offender contract which takes effect by virtue of the order is to have effect.
- (2) That period must be—
 - (a) not less than 3 months, and
 - (b) not more than 12 months.
- (3) The youth offending team specified in the order must be the team which has the function of implementing referral orders in the area in which it appears to the court that the offender resides or will reside.
- (4) On making a referral order the court must explain to the offender in ordinary language—
 - (a) the effect of the order, and
 - (b) the consequences which may follow—
 - (i) if no youth offender contract takes effect between the offender and the panel, or
 - (ii) if the offender breaches a youth offender contract.

Nothing in this subsection affects the court's duty under section 52 (duty to give reasons for and explain effect of sentence).

Commencement Information

18 S. 86 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

87 Referral order consecutive to earlier referral order

- (1) Where—
 - (a) a court makes a referral order (“the later order”), and
 - (b) the offender is subject to an earlier referral order,the court may direct that any youth offender contract under the later order is not to take effect until the earlier order is revoked or discharged.
- (2) For this purpose, the reference to an earlier referral order includes an order made under section 16 of the Powers of Criminal Courts (Sentencing) Act 2000 (referral orders).

Commencement Information

19 S. 87 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

88 Making of referral order: connected offences

- (1) This section applies where a court makes referral orders in respect of two or more connected offences.
- (2) The referral orders have the effect of referring the offender to a single youth offender panel.

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- (3) Accordingly, provision made by the orders under section 83(1)(a) and section 86(1)(a) (which relates to the youth offending team and a youth offender panel) must be the same for each referral order.
- (4) The court may direct that the period specified under section 86(1)(b) in any of the referral orders is to run—
 - (a) concurrently with, or
 - (b) in addition to,
 the period specified in another of the referral orders.
- (5) But a direction under subsection (4) must not result in a total period of more than 12 months.
- (6) For the purposes of this Chapter, each of the orders mentioned in subsection (1) is associated with each other of those orders.

Commencement Information

I10 S. 88 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

89 Making of referral order: effect on court's other sentencing powers

- (1) This section applies where a court makes a referral order in respect of an offence.
- (2) In dealing with the offender for any connected offence, the court must—
 - (a) sentence the offender by making a referral order, or
 - (b) make an order for absolute discharge.
- (3) In dealing with the offender in respect of the offence or any connected offence, the court may not—
 - (a) order the offender to pay a fine,
 - (b) make any of the following orders—
 - (i) a youth rehabilitation order;
 - (ii) an order under section 1(2A) of the Street Offences Act 1959;
 - (iii) a reparation order;
 - (iv) an order for conditional discharge.
- (4) The court may not make—
 - (a) an order binding the offender over to keep the peace or to be of good behaviour, or
 - (b) an order under section 376 (binding over of parent or guardian),
 in connection with the offence or any connected offence.
- (5) Nothing in section 85 or subsection (2) affects any power or duty of a magistrates' court under—
 - (a) section 25 (power and duty to remit young offenders to youth courts for sentence),
 - (b) section 10(3) of the Magistrates' Courts Act 1980 (adjournment for inquiries), or

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- (c) section 35, 38, 43 or 44 of the Mental Health Act 1983 (remand for reports, interim hospital orders and committal to Crown Court for restriction order).
- (6) Nothing in this section affects any power of a court, where it revokes a referral order, to re-sentence an offender for the offence in respect of which the order was made.

Commencement Information

111 S. 89 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

90 Order requiring parents etc to attend meetings

- (1) This section applies where a court makes a referral order.
- (2) The court—
 - (a) may make an order requiring—
 - (i) the appropriate person, or
 - (ii) if there are two or more appropriate persons, one or more of them, to attend the meetings of the youth offender panel, and
 - (b) must do so if the offender is aged under 16 when the referral order is made.
- (3) If the offender is—
 - (a) a looked-after child, and
 - (b) aged under 16 when the referral order is made,the person or persons required under subsection (2) to attend those meetings must include at least one representative of the responsible authority.
- (4) But an order under subsection (2) must not require a person to attend those meetings—
 - (a) if the court is satisfied that it would be unreasonable to do so, or
 - (b) to an extent which the court is satisfied would be unreasonable.
- (5) For the purposes of this section, each of the following is an appropriate person in relation to an offender—
 - (a) if the offender is a looked-after child—
 - (i) a representative of the responsible authority, and
 - (ii) each person who is a parent or guardian of the offender with whom the offender is allowed to live;
 - (b) otherwise, each person who is a parent or guardian of the offender.
- (6) In this section—
 - “looked-after child” means a child who is (within the meaning of the Children Act 1989 or the Social Services and Well-being (Wales) Act 2014 (anaw 4)) looked after by a local authority, and
 - “responsible authority”, in relation to a looked-after child, means the authority by which the child is looked after.
- (7) The court must forthwith send a copy of an order under subsection (2)—
 - (a) to each person required by the order to attend meetings of the panel, and
 - (b) to any responsible authority whose representative is required by the order to attend meetings of the panel,

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unless the person was present, or the authority was represented, in court when the order was made.

Commencement Information

I12 S. 90 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Youth offender panels

91 Establishment of youth offender panels

- (1) This section applies where a court has made a referral order (or two or more associated referral orders).
- (2) The specified youth offending team must establish a youth offender panel for the offender.
- (3) The youth offender panel must—
 - (a) be constituted,
 - (b) conduct its proceedings, and
 - (c) discharge its functions under this Chapter,
 in accordance with guidance issued from time to time by the Secretary of State.
- (4) But at each of its meetings the panel must consist of at least—
 - (a) one member appointed by the specified youth offending team from among its members, and
 - (b) two members appointed by that team who are not members of the team.
- (5) The Secretary of State may by regulations make provision requiring persons appointed as members of a youth offender panel to—
 - (a) have qualifications specified in the regulations;
 - (b) satisfy other criteria so specified.
- (6) Regulations under subsection (5) are subject to the negative resolution procedure.
- (7) The Secretary of State may revise any guidance issued under subsection (3).

Commencement Information

I13 S. 91 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

92 Attendance at panel meetings: offender and parent or guardian

- (1) This section applies to each meeting of the youth offender panel established for the offender.
- (2) The specified youth offending team must notify—
 - (a) the offender, and
 - (b) any person to whom an order under section 90 (requirement to attend meetings of the panel) applies,

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of the time and place at which the person is required to attend the meeting.

- (3) If the offender fails to attend any part of the meeting the panel may—
- (a) adjourn the meeting to such time and place as the panel may specify (in which case subsection (2) applies to the adjourned meeting), or
 - (b) end the meeting and refer the offender back to court.

Commencement Information

I14 S. 92 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

93 Failure of parent or guardian to comply with order under section 90

- (1) If—
- (a) a parent or guardian of an offender fails to comply with an order under section 90 (orders requiring parents etc to attend meetings), and
 - (b) the offender is aged under 18 at the time of the failure,
- the youth offender panel may refer the parent or guardian to a youth court acting in the local justice area in which it appears to the panel that the offender resides or will reside.
- (2) To make the referral, the panel must send a report to the youth court explaining why the parent or guardian is being referred to it.
- (3) A youth court which receives a report under subsection (2) must cause the parent or guardian to appear before it.
- (4) For that purpose, a justice acting in the local justice area in which the court acts may—
- (a) issue a summons requiring the parent to appear before that youth court at the place and time specified in it, or
 - (b) if the report is substantiated on oath, issue a warrant for the parent's arrest which requires the parent to be brought before that court.
- (5) For the youth court's power to make a parenting order where the panel refers the parent or guardian under this section, see section 368 (parenting order where parent or guardian fails to attend meeting of panel).
- (6) Making a parenting order under that section does not affect the order under section 90.
- (7) Accordingly, section 63(1) to (4) of the Magistrates' Courts Act 1980 (power to deal with person for breach of order etc) applies in relation to an order under section 90 (in addition to this section and section 368).

Commencement Information

I15 S. 93 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

94 Attendance at panel meetings: other persons

- (1) At a meeting of a youth offender panel, the offender may be accompanied by one person aged 18 or over chosen by the offender with the agreement of the panel.
- (2) It need not be the same person who accompanies the offender to every meeting.

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- (3) The panel may allow any of the following to attend a meeting—
 - (a) a victim;
 - (b) any person who appears to the panel to be someone capable of having a good influence on the offender.
- (4) If the panel allows a victim to attend a meeting of the panel, it may allow the victim to be accompanied to the meeting by one person chosen by the victim with the agreement of the panel.
- (5) For the purposes of subsections (3) and (4) “victim” means any person who appears to the panel to be a victim of, or otherwise affected by, the offence or any of the offences in respect of which the offender was referred to the panel.

Commencement Information

I16 S. 94 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Youth offender contracts

95 Duty of youth offending team to arrange initial meetings of panel

- (1) Where a court has made a referral order (or two or more associated referral orders), the specified youth offending team must arrange the first meeting of the youth offender panel established for the offender.
- (2) The specified youth offending team must also arrange any further meeting of the panel that may be held under section 98(2)(b) (resuming consideration).

Commencement Information

I17 S. 95 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

96 Agreement of youth offender contract with offender

- (1) This section applies to—
 - (a) the first meeting of a youth offender panel established for an offender, and
 - (b) any further meeting of the panel held under section 98(2)(b) (resuming consideration).
- (2) At the meeting the panel must seek to reach agreement with the offender on a programme of behaviour whose aim (or principal aim) is to prevent re-offending by the offender.
- (3) Schedule 3 makes provision about the programme.
- (4) Where a programme is agreed between the offender and the panel, the panel must produce a written record of the programme forthwith—
 - (a) in language capable of being readily understood by, or explained to, the offender,
 - (b) for signature by the offender, and

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- (c) for signature by a member of the panel on behalf of the panel.
- (5) Once the record has been signed by the offender and on behalf of the panel—
 - (a) the terms of the programme, as set out in the record, take effect as the terms of a “youth offender contract” between the offender and the panel, and
 - (b) the panel must provide a copy of the record to the offender.

Commencement Information

I18 S. 96 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

97 Duration of compliance period

- (1) This section applies where a youth offender contract has taken effect between an offender and a youth offender panel.
- (2) The compliance period begins with the day on which the youth offender contract takes effect.
- (3) The length of the compliance period is—
 - (a) if the contract relates to a single referral order, the period specified in the order under section 86(1)(b);
 - (b) if the contract relates to two or more referral orders, the total period resulting from any direction of the court under section 88(4).
- (4) Subsection (3) is subject to—
 - (a) any order under paragraph 9, 12 or 15 of Schedule 4 extending the length of the compliance period, and
 - (b) subsection (5).
- (5) The compliance period expires on revocation of the referral order, or each of the referral orders, to which the youth offender contract relates.

Commencement Information

I19 S. 97 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

98 Failure to agree youth offender contract

- (1) This section applies to—
 - (a) the first meeting of a youth offender panel established for an offender, and
 - (b) any further meeting of the panel held under subsection (2)(b).
- (2) The panel may—
 - (a) end the meeting without having reached agreement with the offender on an appropriate programme of behaviour, and
 - (b) resume consideration of the offender's case at a further meeting of the panel.
- (3) But if, at the meeting, it appears to the panel that there is no prospect of reaching an agreement with the offender on an appropriate programme of behaviour within a reasonable period after the making of the referral order (or orders), the panel—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (a) may not consider the case at a further meeting under subsection (2)(b), and
 - (b) must instead refer the offender back to court.
- (4) If, at the meeting, the panel and the offender reach agreement on an appropriate programme of behaviour, but—
- (a) the offender does not sign the record produced under section 96(4)(b), and
 - (b) the offender's failure to do so appears to the panel to be unreasonable,
- the panel must end the meeting and refer the offender back to court.
- (5) In this section, “appropriate programme of behaviour” means a programme of behaviour of the kind mentioned in section 96(2).

Commencement Information

I20 S. 98 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

99 Arranging progress meetings

- (1) This section applies where a youth offender contract has taken effect.
- (2) The specified youth offending team must arrange a meeting of the youth offender panel at any time during the compliance period (“a progress meeting”) if the panel requests it to do so under this section.
- (3) The panel may request the specified youth offending team to arrange a progress meeting if it appears to the panel to be expedient to review—
- (a) the offender's progress in implementing the programme of behaviour contained in the youth offender contract, or
 - (b) any other matter arising in connection with the contract.
- (4) The panel must request the specified youth offending team to arrange a progress meeting if subsection (5) or (6) applies.
- (5) This subsection applies where the offender has notified the panel that the offender wishes—
- (a) the youth offender contract to be varied, or
 - (b) to be referred back to court with a view to the referral order (or orders) being revoked on account of a significant change in the offender's circumstances (such as being taken to live abroad) which makes compliance with the contract impractical.
- (6) This subsection applies where it appears to the panel that the offender is in breach of the contract.

Commencement Information

I21 S. 99 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

100 Progress meetings: conduct

- (1) This section applies to any meeting of a youth offender panel arranged under section 99.

Status: Point in time view as at 03/07/2023.

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- (2) At the meeting, the youth offender panel must do such of the following as it considers appropriate in the circumstances—
 - (a) review the offender's progress or any other matter referred to in section 99(3);
 - (b) discuss with the offender any breach of the youth offender contract which it appears to the panel that the offender has committed;
 - (c) consider any variation in the youth offender contract—
 - (i) sought by the offender, or
 - (ii) which appears to the panel expedient in the light of any such review or discussion;
 - (d) consider any request by the offender under section 99(5)(b) to be referred back to court.
- (3) Where the youth offender panel has discussed with the offender any breach of the contract which it appears to the panel that the offender has committed, the panel may—
 - (a) agree with the offender that the offender is to continue to be required to comply with the contract (either in its original form or with any agreed variation of it) without being referred back to court, or
 - (b) end the meeting and refer the offender back to court.
- (4) Where the panel and the offender agree a variation in the contract, the panel must produce a written record of the variation forthwith—
 - (a) in language capable of being readily understood by, or explained to, the offender,
 - (b) for signature by the offender, and
 - (c) for signature by a member of the panel on behalf of the panel.
- (5) Once the record has been signed by the offender and on behalf of the panel—
 - (a) the variation in the contract takes effect, and
 - (b) the panel must provide a copy of the record to the offender.
- (6) If at the meeting—
 - (a) the panel and the offender agree a variation in the contract,
 - (b) the offender does not sign the record produced under subsection (4), and
 - (c) the offender's failure to do so appears to the panel to be unreasonable,the panel may end the meeting and refer the offender back to court.
- (7) Schedule 3 (programme of behaviour) applies to what the contract, as varied under this section, may provide as it applies to a programme of behaviour agreed under section 96.
- (8) Where the offender has requested under section 99(5)(b) to be referred back to court and the panel—
 - (a) has discussed the request with the offender, and
 - (b) is satisfied that there is (or is soon to be) a change in circumstances of the kind mentioned in that provision,it may end the meeting and refer the offender back to court.

Commencement Information

I22 S. 100 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

101 Final meeting

- (1) This section applies where—
 - (a) a youth offender contract has taken effect between a youth offender panel and an offender, and
 - (b) the compliance period is due to expire.
- (2) The specified youth offending team must arrange a meeting of the panel (“the final meeting”) to be held before the end of the compliance period.
- (3) At the final meeting the panel must—
 - (a) review the extent of the offender's compliance to date with the youth offender contract,
 - (b) decide whether or not the offender's compliance with the contract justifies the conclusion that the offender will have satisfactorily completed the contract by the end of the compliance period, and
 - (c) give the offender written confirmation of its decision.
- (4) A decision that the conclusion mentioned in subsection (3)(b) is justified—
 - (a) has the effect of discharging the referral order (or orders) as from the end of the compliance period, and
 - (b) can be made in the offender's absence.
- (5) If the panel decides that that conclusion is not justified, it must refer the offender back to court.
- (6) Nothing in section 92(3) permits the final meeting to be adjourned (or re-adjourned) to a time after the end of the compliance period.

Commencement Information

I23 S. 101 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Other powers to refer offender back to court

102 Revocation of referral order where offender making good progress etc

- (1) This section applies where—
 - (a) a youth offender contract has taken effect between a youth offender panel and an offender, and
 - (b) it appears to the panel to be in the interests of justice for the referral order (or each of the referral orders) to be revoked.
- (2) The panel may refer the offender back to court, requesting the appropriate court—
 - (a) to revoke the order (or each of the orders) under sub-paragraph (2) of paragraph 7 of Schedule 4, or
 - (b) to—
 - (i) revoke the order (or each of the orders) under that sub-paragraph, and
 - (ii) re-sentence the offender under sub-paragraph (4) of that paragraph for the offence in respect of which the revoked order was made.

Status: Point in time view as at 03/07/2023.

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- (3) In deciding whether to refer the offender back to court under this section, the panel must have regard to circumstances which have arisen since the youth offender contract took effect, which may include the offender's making good progress under the contract.
- (4) Where—
- (a) the panel refers the offender back to court under this section, and
 - (b) the appropriate court decides not to revoke the order (or orders) under paragraph 7(2) of Schedule 4 in consequence of that referral,
- the panel may not refer the offender back to court again under this section during the 3 month period beginning with the date of the court's decision, except with the consent of the appropriate court.

Commencement Information

I24 S. 102 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

103 Extension of compliance period

- (1) This section applies where—
- (a) a youth offender contract has taken effect,
 - (b) the compliance period is less than 12 months,
 - (c) the compliance period has not ended, and
 - (d) having regard to circumstances which have arisen since the contract took effect, it appears to the youth offender panel to be in the interests of justice for the length of the compliance period to be extended.
- (2) The panel may refer the offender back to court requesting the appropriate court to extend the length of the compliance period.
- (3) The requested period of extension must not be more than 3 months.

Commencement Information

I25 S. 103 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Further court proceedings

104 Offender referred back to court or convicted while subject to referral order

In Schedule 4—

- (a) Part 1 makes provision for what is to happen when a youth offender panel refers an offender back to court;
- (b) Part 2 makes provision for what is to happen when an offender is convicted of further offences while subject to a referral order.

Commencement Information

I26 S. 104 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 03/07/2023.

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Supplementary

105 Youth offender panel: change of residence

- (1) This section applies where the court which made a referral order is satisfied that—
 - (a) the offender has changed, or proposes to change, residence (to the “new residence”), and
 - (b) the youth offending team for the time being specified in the order (“the current team”) does not have the function of implementing referral orders in the area of the offender's new residence (“the new area”).
- (2) The court may amend the order so that it specifies instead the youth offending team which has the function of implementing referral orders in the new area (“the new team”).
- (3) Where the court does so, this Chapter (and, in particular, section 91(2) (duty to establish youth offender panel)) applies to the new team accordingly.
 This is subject to subsection (4).
- (4) If a youth offender contract has already taken effect under the referral order between the offender and the youth offender panel established by the current team—
 - (a) section 95 does not apply to the new team, and
 - (b) the contract has effect after the amendment as a youth offender contract between—
 - (i) the offender, and
 - (ii) the youth offender panel established by the new team.

Commencement Information

I27 S. 105 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

106 Functions of the specified youth offending team

- (1) This section applies where a referral order is made in respect of an offender.
- (2) The specified youth offending team must arrange for the provision of such administrative staff, accommodation or other facilities as are required by the youth offender panel.
- (3) During the compliance period—
 - (a) the specified youth offending team must make arrangements for supervising the offender's compliance with the youth offender contract, and
 - (b) the person who is the member of the panel referred to in section 91(4)(a) must ensure that records are kept of the offender's compliance, or failure to comply, with that contract.
- (4) In implementing a referral order, the specified youth offending team must have regard to any guidance issued by the Secretary of State.
- (5) The Secretary of State may revise any guidance issued under subsection (4).

Status: Point in time view as at 03/07/2023.

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Commencement Information

I28 S. 106 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

107 Rules of court

- (1) Criminal Procedure Rules may make such provision as appears to the Criminal Procedure Rule Committee to be necessary or expedient for the purposes of this Chapter.
- (2) Nothing in this section affects the generality of any other enactment conferring power to make Criminal Procedure Rules.

Commencement Information

I29 S. 107 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

108 Referral orders: interpretation

- (1) In this Chapter—
 - “the appropriate court”, in relation to any referral of an offender back to court, means—
 - (a) if the offender is aged under 18 when first appearing before the court in pursuance of the referral back, a youth court acting in the local justice area in which it appears to the youth offender panel that the offender resides or will reside;
 - (b) otherwise, a magistrates' court (other than a youth court) acting in that area;
 - “associated”, in relation to referral orders, is to be read in accordance with section 88(6);
 - “compliance period” means the period for which a youth offender contract which takes effect between the offender and the youth offender panel is to have effect;
 - “meeting”, in relation to a youth offender panel, means—
 - (a) the first meeting arranged under section 95(1),
 - (b) any further meeting held under section 98(2)(b),
 - (c) any progress meeting arranged under section 99, or
 - (d) the final meeting held under section 101;
 - “the specified youth offending team”, in relation to an offender to whom a referral order applies (or two or more associated referral orders apply), means the youth offending team for the time being specified in the order (or orders);
 - “youth offender panel”, in relation to an offender, means the panel established for the offender in accordance with section 91.
- (2) For the purposes of this Chapter, an offence is connected with another offence if the offender is to be dealt with for both offences at the same time (whether or not convicted of them at the same time or by or before the same court).

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (3) Any reference in this Chapter to a youth offender contract taking effect is to it taking effect between an offender and a youth offender panel under section 96.
- (4) Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply for the purposes of this [^{F4}Chapter] (except that it does apply for the purposes of paragraph 13 of Schedule 4 (further proceedings)).

Textual Amendments

F4 Word in s. 108(4) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 2](#)

Commencement Information

I30 S. 108 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

CHAPTER 2

REPARATION ORDERS FOR OFFENDERS AGED UNDER 18

109 Reparation order

- (1) In this Code “reparation order” means an order made under this Chapter in respect of an offence which imposes requirements on the offender to make reparation for the offence to—
 - (a) a particular person or particular persons, or
 - (b) the community at large.
- (2) In this Chapter, references to making reparation for an offence are to making reparation for the offence otherwise than by the payment of compensation.

Commencement Information

I31 S. 109 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

110 Reparation order: availability

- (1) A reparation order is available to a court dealing with an offender for an offence where—
 - [^{F5}(za) the offender is convicted of the offence before the day on which section 162 of the [Police, Crime, Sentencing and Courts Act 2022](#) comes into force,]
 - (a) the offender is aged under 18 when convicted,
 - (b) the offence is not an offence the sentence for which is fixed by law, and
 - (c) the court is not proposing to—
 - (i) impose a custodial sentence,
 - (ii) make a youth rehabilitation order, or
 - (iii) make a referral order.
- (2) But a reparation order is not available unless the court has been notified by the Secretary of State that arrangements for implementing reparation orders are available

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

in the area in which it appears to the court that the offender resides or will reside (and the notice has not been withdrawn).

- (3) A reparation order is not available if the offender is subject to a youth rehabilitation order, unless when it makes the reparation order the court revokes the youth rehabilitation order.
- (4) For the power of the court to revoke the youth rehabilitation order, see Part 5 of Schedule 7 (powers of court in relation to youth rehabilitation order following subsequent conviction).

Textual Amendments

F5 [S. 110\(1\)\(za\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 162, 208(5)(v)**

Commencement Information

I32 [S. 110](#) in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

111 Requirement to consider report before making a reparation order

- (1) This section applies where a court proposes to make a reparation order in respect of an offence.
- (2) Before making the order, the court must obtain and consider a written report by—
 - (a) an officer of a provider of probation services,
 - (b) a social worker of a local authority, or
 - (c) a member of a youth offending team.
- (3) The report must indicate—
 - (a) the type of work that is suitable for the offender, and
 - (b) the attitude of the victim or victims to requirements proposed to be included in the reparation order.

Commencement Information

I33 [S. 111](#) in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

112 Requirements to make reparation to be specified in order

- (1) This section applies where a court makes a reparation order in respect of an offence.
- (2) The reparation order must—
 - (a) specify the requirements with which the offender must comply, and
 - (b) if those requirements require reparation to be made to a particular person or particular persons, specify that person or those persons.
- (3) The requirements must be such as in the opinion of the court are commensurate with the seriousness of—
 - (a) the offence, or
 - (b) the combination of the offence and one or more associated offences.

Status: Point in time view as at 03/07/2023.

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This is subject to subsections (5) and (6).

- (4) Any person specified under subsection (2)(b) must be a person identified by the court as—
- (a) a victim of the offence, or
 - (b) a person otherwise affected by it.
- (5) The reparation order may not impose a requirement to make reparation to a particular person without the consent of that person.
- (6) The requirements must be requirements to make reparation which—
- (a) may require the offender to perform work, but
 - (b) if they do, must not require the offender to work for more than 24 hours in aggregate.
- (7) The requirements must, so far as practicable, be such as to avoid—
- (a) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment,
 - (b) any conflict with the offender's religious beliefs, and
 - (c) any conflict with the requirements of any other court order to which the offender may be subject.

Commencement Information

I34 S. 112 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

113 Other provision to be specified in a reparation order

- (1) This section applies where a court makes a reparation order.
- (2) The reparation order must specify the local justice area in which it appears to the court making the order that the offender resides or will reside.
- (3) The reparation order must specify the responsible officer.
- (4) The person specified as the responsible officer must be—
 - (a) an officer of a provider of probation services acting in the offender's home local justice area,
 - (b) a social worker of the local authority in whose area it appears to the court that the offender resides or will reside, or
 - (c) a member of a youth offending team established by that local authority.

Commencement Information

I35 S. 113 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

114 Making reparation

- (1) The offender must perform the requirements of the reparation order under the supervision of the responsible officer.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (2) Any requirements to make reparation imposed by a reparation order must be completed within the period of 3 months beginning with the day on which the order is made.

Commencement Information

I36 S. 114 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

115 Breach, revocation or amendment of reparation order

Schedule 5 makes provision about breach, revocation and amendment of reparation orders.

Commencement Information

I37 S. 115 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

116 Reparation orders: interpretation

In this Chapter—

- (a) references to making reparation are to be read in accordance with section 109(2);
- (b) “offender's home local justice area” means the local justice area for the time being specified in the reparation order under section 113 or by virtue of an order under paragraph 5(4)(b)(ii) of Schedule 5;
- (c) the “responsible officer” means the responsible officer for the time being specified in the reparation order under that section or by virtue of an order under that paragraph;
- (d) references to breach of a requirement of a reparation order include references to a failure to comply with the requirement.

Commencement Information

I38 S. 116 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

CHAPTER 3

OTHER ORDERS

117 Orders under Street Offences Act 1959

See section 1(2A) of the Street Offences Act 1959 for orders available in the case of offences under section 1 of that Act (loitering or soliciting for purposes of prostitution) where no other sentence is imposed.

Status: Point in time view as at 03/07/2023.

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Commencement Information

I39 S. 117 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

PART 7

FINANCIAL ORDERS AND ORDERS RELATING TO PROPERTY

CHAPTER 1

FINES

Availability

118 Availability of fine: magistrates' court

- (1) A fine is available to a magistrates' court dealing with an offender for an offence if under the relevant offence provision a person who is convicted of that offence is liable to a fine.
- (2) If under the relevant offence provision the offender is liable to—
 - (a) a fine of a specified amount,
 - (b) a fine of not more than a specified amount,
 the amount of the fine—
 - (i) must not be more than that amount, but
 - (ii) may be less than that amount (unless an Act passed after 31 December 1879 expressly provides to the contrary).
- (3) This is subject to—
 - (a) section 121 (availability: fines not to be combined with certain other orders);
 - (b) section 123 (limit on fines imposed by magistrates' courts in respect of young offenders).
- (4) In this section “relevant offence provision”, in relation to an offence, means—
 - (a) the enactment creating the offence or specifying the penalty to which a person convicted of the offence is liable, or
 - (b) that provision read in accordance with—
 - (i) section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court) and regulations under that section;
 - (ii) section 86 of that Act (power to increase certain other fines on conviction by magistrates' court) and regulations under that section;
 - (iii) section 32 of the Magistrates' Courts Act 1980 (penalties on summary conviction for offences triable either way);
 - (iv) section 119 (power of magistrates' court to fine where only imprisonment etc specified);
 - (v) section 122 (standard scale of fines),

Status: Point in time view as at 03/07/2023.

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and, for this purpose, “enactment” includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

Commencement Information

I40 S. 118 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

119 Power of magistrates' court to fine where only imprisonment etc specified

(1) This section applies where under an enactment a magistrates' court has power to sentence an offender to imprisonment or other detention but not to a fine.

It is immaterial whether the enactment was passed or made before or after the commencement of this Act.

(2) The magistrates' court may impose a fine instead of sentencing the offender to imprisonment or other detention (unless an Act passed after 31 December 1879 expressly provides to the contrary).

(3) In the case of an offence which—

- (a) is triable either way, and
- (b) was committed before 12 March 2015,

a fine imposed under subsection (2) may not exceed the prescribed sum (within the meaning of section 32 of the Magistrates' Courts Act 1980).

(4) In the case of a fine imposed under subsection (2) for a summary offence—

- (a) the amount of the fine may not exceed level 3 on the standard scale, and
- (b) the default term must not be longer than the term of imprisonment or detention to which the offender is liable on conviction of the offence.

For this purpose, “default term” means the term of imprisonment or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 to which the offender would be subject in default of payment of the fine.

(5) In this section “enactment” includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

Commencement Information

I41 S. 119 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

120 General power of Crown Court to fine offender convicted on indictment

(1) A fine is available to the Crown Court where it is dealing with an offender who is convicted on indictment for an offence—

- (a) instead of, or
- (b) in addition to,

dealing with the offender in any other way which is available to the court.

(2) Subsection (1)—

Status: Point in time view as at 03/07/2023.

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- (a) does not apply where the offence is one in relation to which a mandatory sentence requirement applies by virtue of any of the following provisions of section 399—
- (i) paragraph (a) (life sentence for murder etc),
 - (ii) paragraph (b) (other mandatory life sentences),
 - [^{F6}(ia) paragraph (ba) (serious terrorism sentences),] or
 - (iii) paragraph (c)(iv) (minimum sentence for third domestic burglary offence),
- (b) is subject to any other enactment requiring the offender to be dealt with in a particular way, and
- (c) does not apply if the court is precluded from sentencing the offender by its exercise of some other power.
- (3) Nothing in subsection (1) affects the maximum amount of a fine to which a person is liable for an offence committed before [^{F7}1 December 2020].

Textual Amendments

- F6** S. 120(2)(a)(ia) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(5\)](#)
- F7** Words in s. 120(3) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, [4\(2\)](#)

Commencement Information

- I42** S. 120 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

121 Availability of fine: effect of other orders

For circumstances in which a fine is not available, see—

- (a) section 37(8) of the Mental Health Act 1983 (hospital order or guardianship order in case where person convicted of offence punishable with imprisonment);
- (b) section 89 (making of referral order: effect on court's other sentencing powers).

Commencement Information

- I43** S. 121 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Magistrates' court

122 The standard scale of fines for summary offences

- (1) The standard scale of fines for summary offences, which is known as “the standard scale”, as it has effect for Code offences, is as follows—

<i>Level on the scale</i>	<i>Amount of fine</i>
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Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

	<i>Offence committed on or after 11 April 1983 and before [^{F8}1 May 1984]</i>	<i>[^{F9}Offence committed on or after 1 May 1984 and before 1 October 1992</i>	<i>Offence committed on or after 1 October 1992</i>
1	£25	£50	£200
2	£50	£100	£500
3	£200	£400	£1,000
4	£500	£1,000	£2,500
5	£1,000	£2,000]	£5,000.

(2) In relation to a Code offence, a relevant reference to a particular level on the standard scale is to be read as referring to that level on the scale set out in the column of the table in subsection (1) that applies to offences committed on the date on which the offence was committed.

(3) In relation to—

- (a) a relevant reference in an enactment or instrument passed or made before 12 March 2015 to level 5 on the standard scale, and
- (b) an offence committed on or after that date,

subsection (2) is subject to section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court).

(4) A reference to a level on the standard scale in an enactment or instrument made under an enactment (whenever passed or made) is a “relevant reference” to that level if—

- (a) the enactment or instrument provides that a person convicted of a summary offence is liable on conviction to a fine or maximum fine by reference to that level, or
- (b) it is a reference in an enactment which confers power by subordinate instrument to make a person liable on conviction of a summary offence (whether or not created by the instrument) to a fine or maximum fine by reference to that level.

In this section, “Code offence” is an offence of which the offender is convicted after the Code comes into force.

Textual Amendments

- F8** Words in s. 122(1) table substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(5)(aa), [Sch. 21 para. 3\(a\)](#)
- F9** Words in s. 122(1) table inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(5)(aa), [Sch. 21 para. 3\(b\)](#)

Modifications etc. (not altering text)

- C5** S. 122 extended (N.I.) by 1956 c. 74, s. 21(7C) (as inserted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 24 para. 8](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I44 S. 122 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

123 Limit on fines imposed by magistrates' courts in respect of young offenders

- (1) This section applies where an offender—
 - (a) was convicted by a magistrates' court,
 - (b) was under 18 when convicted, and
 - (c) is before that court to be sentenced.
- (2) The court may not impose a fine of more than—
 - (a) £250, if the offender was under 14 when convicted, or
 - (b) £1,000, if the offender was 14 or over when convicted.

Commencement Information

I45 S. 123 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Exercise of powers

124 Fixing of fine: duty of court to inquire into individual offender's circumstances

- (1) Before fixing the amount of any fine to be imposed on an offender who is an individual, a court must inquire into the offender's financial circumstances.
- (2) For the power to make a financial circumstances order, see section 35.
- (3) For modifications of this section where the court also makes an order under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 128.

Commencement Information

I46 S. 124 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

125 Exercise of court's powers to impose fine and fix amount

- (1) The amount of any fine fixed by a court must be such as, in the opinion of the court, reflects the seriousness of the offence.
- (2) In fixing the amount of any fine to be imposed on an offender (whether an individual or other person), a court must take into account the circumstances of the case including, in particular, the financial circumstances of the offender so far as they are known, or appear, to the court.
- (3) Subsection (2) applies whether taking into account the financial circumstances of the offender has the effect of increasing or reducing the amount of the fine.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (4) In applying subsection (2), a court must not reduce the amount of a fine on account of any surcharge it orders the offender to pay under section 42, except to the extent that the offender has insufficient means to pay both.
- (5) For modifications of this section where the court also makes an order under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 128.
- (6) For the effect of proceedings in relation to confiscation orders on the court's powers to impose or fix the amount of a fine, see the following provisions of the Proceeds of Crime Act 2002—
 - (a) section 13(4) (where confiscation order has been made);
 - (b) section 15 (where proceedings on a confiscation order have been postponed).

Commencement Information

I47 S. 125 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

126 Power to determine financial circumstances where offender is absent or fails to provide information

- (1) This section applies where an offender—
 - (a) has been convicted in the offender's absence—
 - (i) in pursuance of section 11 or 12 of the Magistrates' Courts Act 1980 (non-appearance of accused), or
 - (ii) in proceedings conducted in accordance with section 16A of that Act (trial by single justice on the papers), or
 - (b) has failed—
 - (i) to provide a statement of the offender's financial circumstances in response to a request which is an official request for the purposes of section 20A of the Criminal Justice Act 1991 (offence of making false statement as to financial circumstances),
 - (ii) to comply with an order under section 35(2) (statement as to offender's financial circumstances), or
 - (iii) otherwise to co-operate with the court in its inquiry into the offender's financial circumstances.
- (2) If the court considers that it has insufficient information to make a proper determination of the financial circumstances of the offender for the purposes of section 125, it may make such determination as it considers appropriate.

Commencement Information

I48 S. 126 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

127 Remission of fines following determination under section 126

- (1) This section applies where a court has, in fixing the amount of a fine, determined the offender's financial circumstances under section 126 (offender absent or failing to provide information).

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (2) If on subsequently inquiring into the offender's financial circumstances the court is satisfied that, had it had the results of that inquiry when sentencing the offender, it—
 - (a) would have fixed a smaller amount, or
 - (b) would not have fined the offender,
 it may remit the whole or part of the fine.
- (3) Where under this section the court remits the whole or part of a fine after a term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, has been fixed under—
 - (a) section 129, or
 - (b) section 82(5) of the Magistrates' Courts Act 1980 (magistrates' powers in relation to default),
 it must reduce the term by the corresponding proportion.
- (4) In calculating any reduction required by subsection (3), any fraction of a day is to be ignored.
- (5) Subsection (6) applies where—
 - (a) under this section the court remits the whole or part of a fine,
 - (b) the offender was ordered under section 42 to pay a surcharge, and
 - (c) the amount of the surcharge was set by reference to the amount of the fine.
- (6) The court must—
 - (a) determine how much the surcharge would have been if the fine had not included the amount remitted, and
 - (b) remit the balance of the surcharge.

Commencement Information

I49 S. 127 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Fines: payment

128 Fine imposed on offender aged under 18: payment by parent or guardian

- (1) This section applies where a court—
 - (a) is dealing with an offender for an offence,
 - (b) the offender is aged under 18 when convicted, and
 - (c) but for this subsection, the court would impose a fine on the offender in respect of the offence.
- (2) Section 380 (order for payment by parent or guardian) applies to the fine.
- (3) Subsections (4) to (6) apply for the purposes of any order made under section 380 against the offender's parent or guardian.
- (4) The following provisions are to be read as if any reference to the financial circumstances of the offender were a reference to the financial circumstances of the offender's parent or guardian—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (a) section 124 (duty of court to inquire into individual offender's financial circumstances);
- (b) subsections (2) and (3) of section 125 (fixing of fine: exercise of court's powers).

This is subject to subsection (7).

- (5) Section 126 (power to determine financial circumstances where offender is absent or fails to provide information) does not apply (but see section 382).
- (6) The reference to the offender's means in section 125(4) (insufficient means to pay fine and surcharge) is to be read as a reference to the means of the offender's parent or guardian.
- (7) For the purposes of any order under section 380 made against a local authority, section 124 does not apply.

Commencement Information

I50 S. 128 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

129 Fine imposed on offender by Crown Court: duty to make term in default order

- (1) This section applies when the Crown Court imposes a fine on an offender who is aged 18 or over when convicted of the offence.

But it does not apply in relation to a fine imposed by the Crown Court on appeal against a decision of a magistrates' court.

- (2) Subsections (3) to (5) also apply in relation to a fine imposed on such an offender—
 - (a) by the criminal division of the Court of Appeal, or
 - (b) by the Supreme Court on appeal from that division.
- (3) The court must make an order (a “term in default order”) fixing a term—
 - (a) of imprisonment, or
 - (b) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,which the offender is to undergo if any sum which the offender is liable to pay is not duly paid or recovered.
- (4) Column 3 of the following table sets out the maximum term of imprisonment or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 which may be fixed by a term in default order in relation to a sum that is—
 - (a) more than the corresponding entry (if any) in column 1, but
 - (b) not more than the corresponding entry (if any) in column 2.

<i>Amount of sum</i>		<i>Maximum term</i>
<i>More than</i>	<i>Not more than</i>	
	£200	7 days
£200	£500	14 days

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

£500	£1,000	28 days
£1,000	£2,500	45 days
£2,500	£5,000	3 months
£5,000	£10,000	6 months
£10,000	£20,000	12 months
£20,000	£50,000	18 months
£50,000	£100,000	2 years
£100,000	£250,000	3 years
£250,000	£1,000,000	5 years
£1,000,000		10 years.

- (5) The offender may not be committed to prison, or detained, by virtue of a term in default order on the same occasion as the fine is imposed unless—
- (a) the offence to which the fine relates is punishable with imprisonment and the offender appears to the court to have sufficient means to pay the sum forthwith,
 - (b) it appears to the court that the offender is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods,
 - (c) on that occasion the court sentences the offender to immediate imprisonment, custody for life or detention in a young offender institution for that or another offence, or
 - (d) the offender is already serving a sentence of custody for life or a term—
 - (i) of imprisonment,
 - (ii) of detention in a young offender institution, or
 - (iii) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default).
- (6) Where any person liable for the payment of a fine to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term (“the current term”)—
- (a) of imprisonment,
 - (b) of detention in a young offender institution, or
 - (c) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default),
- the court may order that any term of imprisonment or detention fixed by a term in default order is not to begin to run until after the end of the current term.
- (7) Nothing in any enactment which authorises the Crown Court to deal with an offender in any way in which a magistrates' court might have dealt, or could deal, with the offender restricts the powers conferred by this section.

This is subject to subsection (8).

- (8) Where—

Status: Point in time view as at 03/07/2023.

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- (a) the Crown Court imposes a fine in exercise of powers to deal with an offender in any way in which a magistrates' court might have dealt, or could deal, with the offender, and
- (b) section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines) specifies a period that would have applied to the fine had it been imposed by a magistrates' court,

the term imposed by the Crown Court under subsection (3) in relation to the fine must not exceed that period.

- (9) For the purposes of any reference in this section, however expressed, to the term of imprisonment or other detention—
 - (a) to which a person has been sentenced, or
 - (b) which, or part of which, the person has served,consecutive terms and terms which are wholly or partly concurrent are treated as a single term, unless the context otherwise requires.
- (10) Any reference in this section, however expressed, to a previous sentence is to be read as a reference to a previous sentence passed by a court in Great Britain.

Modifications etc. (not altering text)

- C6** S. 129(4) applied by 2006 c. 52, s. 269B(4) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 65](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C7** S. 129(4) applied by 2006 c. 52, s. 269A(2) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 64](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

- I51** S. 129 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

130 Fine imposed by Crown Court: power to allow time for payment or payment by instalments

When the Crown Court imposes a fine on an offender, it may make an order—

- (a) allowing time for the payment of the fine, or
- (b) directing payment of the fine by instalments of the amounts and on the dates specified in the order.

Commencement Information

- I52** S. 130 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

131 Fine imposed by Crown Court: power to search offender

See section 142 of the Powers of Criminal Courts (Sentencing) Act 2000 for the power of the Crown Court to search an offender on whom it imposes a fine.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I53 S. 131 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

132 Enforcement of fines imposed on offenders by Crown Court

- (1) A fine imposed on an offender by the Crown Court is to be treated for the purposes of collection, enforcement and remission as having been imposed—
- (a) by a magistrates' court specified in an order made by the Crown Court, or
 - (b) if no such order is made, by the magistrates' court by which the offender was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998,

and as having been so imposed on conviction by the magistrates' court in question.

This is subject to subsection (5).

- (2) Subsection (3) applies where a magistrates' court issues a warrant of commitment on a default in the payment of a fine imposed by the Crown Court on an offender.
- (3) The term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, specified in the warrant of commitment as the term which the offender is liable to serve is to be—
- (a) the term fixed by the Crown Court under section 129(3), or
 - (b) if that term has been reduced under section 79(2) of the Magistrates' Courts Act 1980 (part payment) or section 85(2) of that Act (remission), that term as so reduced,

even if that term exceeds the period applicable to the case under section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines).

- (4) Subsections (1) to (3) apply in relation to a fine imposed on an offender—
- (a) by the criminal division of the Court of Appeal, or
 - (b) by the Supreme Court on appeal from that division,
- as they apply in relation to a fine imposed by the Crown Court.

References in those subsections to the Crown Court (except the reference in subsection (1)(b)) are to be read accordingly.

- (5) A magistrates' court must not, under section 85(1) of the Magistrates' Courts Act 1980 as applied by subsection (1), remit the whole or any part of a fine imposed by—
- (a) the Crown Court,
 - (b) the criminal division of the Court of Appeal, or
 - (c) the Supreme Court on appeal from that division,
- without the consent of the Crown Court.
- (6) Where payment of a fine is enforceable by a magistrates' court by virtue of this section, the fine is to be treated for the purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as having been imposed by a magistrates' court.

Status: Point in time view as at 03/07/2023.

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Commencement Information

I54 S. 132 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

CHAPTER 2

COMPENSATION ORDERS

Compensation orders

133 Compensation order

In this Code “compensation order” means an order under this Chapter made in respect of an offender for an offence that requires the offender—

- (a) to pay compensation for any personal injury, loss or damage resulting from—
 - (i) the offence, or
 - (ii) any other offence which is taken into consideration by the court in determining the sentence for the offence, or
- (b) to make payments for—
 - (i) funeral expenses, or
 - (ii) bereavement,

in respect of a death resulting from any such offence.

Commencement Information

I55 S. 133 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Making a compensation order

134 Compensation order: availability

- (1) A compensation order is available to a court by or before which an offender is convicted of an offence.

This is subject to section 136 (road accidents).

- (2) Where a compensation order is available, the court may make such an order whether or not it also deals with the offender for the offence in any other way.

Commencement Information

I56 S. 134 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

135 Making a compensation order

- (1) A compensation order must specify the amount to be paid under it.

Status: Point in time view as at 03/07/2023.

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- (2) That amount must be the amount that the court considers appropriate, having regard to any evidence and any representations that are made by or on behalf of the offender or the prosecution.

But see also sections 136 to 139.

- (3) In determining—
- (a) whether to make a compensation order against an offender, or
 - (b) the amount to be paid under such an order,
- the court must have regard to the offender's means, so far as they appear or are known to the court.
- (4) Where the court considers—
- (a) that it would be appropriate both to impose a fine and to make a compensation order, but
 - (b) that the offender has insufficient means to pay both an appropriate fine and appropriate compensation,
- the court must give preference to compensation (though it may impose a fine as well).
- (5) For modifications of this section where the court also makes an order under section 380 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 140.
- (6) For the effect of proceedings in relation to confiscation orders on the court's powers in relation to compensation orders, see the following provisions of the Proceeds of Crime Act 2002—
- (a) section 13(4) (where confiscation order has been made);
 - (b) section 15 (where proceedings on a confiscation order have been postponed).

Commencement Information

I57 S. 135 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Particular cases

136 Road accidents

- (1) A compensation order may not be made in respect of funeral expenses or bereavement in respect of a death due to a road accident.
- (2) A compensation order may be made in respect of injury, loss or damage due to a road accident only if it is in respect of—
- (a) loss suffered by a person's dependants in consequence of the person's death,
 - (b) damage which is treated by section 137 as resulting from an offence under the Theft Act 1968 or Fraud Act 2006, or
 - (c) uninsured harm.
- (3) In subsection (2), “uninsured harm” means injury, loss or damage as respects which—
- (a) the offender was uninsured in relation to the use of the vehicle in question, and
 - (b) compensation is not payable under any arrangements to which the Secretary of State is a party.

Status: Point in time view as at 03/07/2023.

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An offender is not uninsured in relation to the use of a vehicle for this purpose if that use of it is exempted from insurance by section 144 of the Road Traffic Act 1988.

- (4) Where a compensation order is made in respect of injury, loss or damage due to a road accident, the amount to be paid may include an amount representing all or part of any loss of, or reduction in, preferential rates of insurance attributable to the accident.
- (5) In this Chapter, “road accident” means an accident arising out of the presence of a motor vehicle on a road.

Commencement Information

I58 S. 136 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

137 Damage to property and clean-up costs resulting from certain offences

- (1) Subsection (2) applies in the case of an offence under the Theft Act 1968 or Fraud Act 2006, where the property in question is recovered.
- (2) Any damage to the property occurring while it was out of the owner's possession is to be treated for the purposes of section 133 as having resulted from the offence.

This applies regardless of how the damage was caused and who caused it.
- (3) Section 29 of the Ancient Monuments and Archaeological Areas Act 1979 makes provision about the person in whose favour a compensation order relating to certain offences involving damage to monuments is to be made.
- (4) Section 33B of the Environmental Protection Act 1990 (clean-up costs) provides for certain costs connected with certain offences relating to waste to be loss or damage resulting from those offences for the purposes of section 133.

Commencement Information

I59 S. 137 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

138 Funeral expenses and bereavement: cases other than road accidents

- (1) A compensation order in respect of funeral expenses may be made for the benefit of anyone who incurred the expenses.
- (2) A compensation order in respect of bereavement may be made only for the benefit of a person for whose benefit a claim for damages for bereavement could be made under section 1A of the Fatal Accidents Act 1976.
- (3) The amount to be paid in respect of bereavement under a compensation order must not exceed the amount for the time being specified in section 1A(3) of that Act.
- (4) This section is subject to section 136(1) (compensation order not available in respect of bereavement or funeral expenses in respect of a death due to a road accident).

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I60 S. 138 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Compensation orders made in respect of young offenders

139 Limit on compensation payable under compensation order of magistrates' court in case of young offender

- (1) This section applies where—
- (a) a magistrates' court is dealing with an offender for one or more offences (each, a “main offence”) of which the offender was convicted when aged under 18, and
 - (b) the court makes a compensation order in respect of—
 - (i) a main offence, or
 - (ii) any offence taken into consideration by the court in determining sentence for a main offence (a “TIC offence”).
- (2) The compensation in respect of a main offence must not exceed £5,000.
- (3) The total compensation in respect of main offences and TIC offences must not exceed £5,000 multiplied by the number of main offences.
- (4) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

Commencement Information

I61 S. 139 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

140 Compensation order: order for payment by parent or guardian

- (1) This section applies where—
- (a) a court makes or is proposing to make a compensation order in respect of an offence, and
 - (b) the offender is aged under 18 when convicted.
- (2) Section 380 (order for payment by parent or guardian) applies to the amount to be paid under any such compensation order.
- (3) Subsection (4) applies for the purposes of any order made under section 380 against the offender's parent or guardian.
- (4) The references in subsections (3) and (4) of section 135 (taking account of offender's means in determining amount of compensation) to the offender's means are to be read as references to the means of the offender's parent or guardian.
- This is subject to subsection (5).
- (5) For the purposes of any order made under section 380 against a local authority, section 135(3) does not apply.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I62 S. 140 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Compensation orders: supplementary

141 Compensation orders: suspension of entitlement and appeals etc

- (1) A person in whose favour a compensation order is made is not entitled to receive the amount due to the person until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time).
- (2) Criminal Procedure Rules may make provision about the way in which the appropriate court is to deal with money paid in satisfaction of a compensation order where the entitlement of the person in whose favour it was made is suspended under subsection (1).
- (3) The Court of Appeal may by order annul or vary any compensation order made by the Crown Court, even if the conviction is not quashed.
- (4) Where a compensation order is annulled or varied under subsection (3)—
 - (a) the compensation order—
 - (i) if annulled, is not to take effect;
 - (ii) if varied, is to take effect as varied;
 - (b) the Court of Appeal must also vary any order previously made under section 42 (court's duty to order payment of surcharge) so as to secure that the offender's liability under that order is the same as it would have been if the offender were being dealt with by the Crown Court.
- (5) Where the Supreme Court restores a conviction, it may make any compensation order which the court of trial could have made.
- (6) Where the Supreme Court makes an order under subsection (5), it must also—
 - (a) make an order under section 42, or
 - (b) vary any order previously made under that section,so as to secure that the offender's liability under the order under that section is the same as it would have been if the offender were being dealt with by the Crown Court.
- (7) Where, in any proceedings in which an offender is convicted of one or more offences (each, a “main offence”), a compensation order is made against the offender in respect of an offence taken into consideration in determining sentence—
 - (a) the order ceases to have effect if the offender successfully appeals against conviction of the main offence or, if more than one, all the main offences;
 - (b) the offender may appeal against the order as if it were part of the sentence imposed in respect of the main offence or, if more than one, any of the main offences.

Modifications etc. (not altering text)

C8 S. 141 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 293\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Status: Point in time view as at 03/07/2023.

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- C9** Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 290](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I63** S. 141 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

142 Limit on compensation payable under compensation order of magistrates' court: offences committed before 11 December 2013

- (1) This section applies where—
- (a) a magistrates' court is dealing with an offender for—
 - (i) an offence which was committed before 11 December 2013 (a “relevant offence”), or
 - (ii) one or more relevant offences, and
 - (b) the court makes a compensation order in respect of—
 - (i) any relevant offence,
 - (ii) any offence taken into consideration by the court in determining sentence for a relevant offence.
- (2) The compensation in respect of a relevant offence must not exceed the maximum amount.
- (3) The total compensation in respect of the offences taken into account in determining sentence for the relevant offence or relevant offences must not exceed the difference between—
- (a) the relevant limit, and
 - (b) the total compensation in respect of the relevant offences.
- (4) In this section—
- (a) the relevant limit is the aggregate of the maximum amounts for each relevant offence;
 - (b) “the maximum amount” in relation to a relevant offence means the amount specified in column 2 of the following table for an offence committed on the date of the relevant offence—

<i>Date of commission of main offence</i>	<i>Maximum amount</i>
Before 1 December 1977	£400
On or after 1 December 1977 but before 1 May 1984	£1,000
On or after 1 May 1984 but before 1 October 1992	£2,000
On or after 1 October 1992 but before 11 December 2013	£5,000.

- (5) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

Status: Point in time view as at 03/07/2023.

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Modifications etc. (not altering text)

- C9** Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 290](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I64** S. 142 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

143 Review of compensation orders

- (1) This section applies where—
- (a) a compensation order has been made,
 - (b) there is no further possibility of the compensation order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time), and
 - (c) the person against whom it was made has not paid into court the whole of the amount required to be paid under the order.
- (2) The appropriate court may, on the application of the person against whom the order was made—
- (a) discharge the order, or
 - (b) reduce the amount which remains to be paid.

This is subject to subsection (3).

- (3) The appropriate court may exercise that power only—
- (a) if it appears to the court that the injury, loss or damage in respect of which the compensation order was made has been held in civil proceedings to be less than it was taken to be for the purposes of the order,
 - (b) if, in the case of a compensation order in respect of the loss of any property, it appears to the court that the property has been recovered by the person in whose favour the order was made, or
 - (c) if—
 - (i) it appears to the court that the means of the person against whom the order was made are insufficient or have been reduced (see subsections (5) and (6)), and
 - (ii) where the compensation order was made by the Crown Court, the appropriate court has obtained the consent of the Crown Court.
- (4) Subsections (5) to (7) apply for the purposes of subsection (3)(c).
- (5) The person's means are “insufficient” if they are not sufficient to satisfy in full—
- (a) the compensation order, and
 - (b) every order of any of the following kinds made against the person in the same proceedings—
 - (i) a confiscation order under Part 6 of the Criminal Justice Act 1988 or Part 2 of the Proceeds of Crime Act 2002;
 - (ii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;

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- (iii) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.
- (6) The person's means “have been reduced” if they—
- (a) have unexpectedly been substantially reduced since the compensation order was made, and
 - (b) seem unlikely to increase for a considerable period.
- (7) If the compensation order was made on appeal it is to be treated—
- (a) if made on an appeal from a magistrates' court, as if made by that magistrates' court;
 - (b) if made on an appeal—
 - (i) from the Crown Court, or
 - (ii) from the Court of Appeal,
 as if made by the Crown Court.

Modifications etc. (not altering text)

- C9** Ss. 141-143 applied (with modifications) by 2013 c. 3, s. 4(12) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 290** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C10** S. 143 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 293(3)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I65** S. 143 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

144 Effect of compensation order on subsequent award of damages in civil proceedings

- (1) This section has effect where—
- (a) a compensation order has been made in favour of any person in respect of any injury, loss or damage, and
 - (b) a claim by the person in civil proceedings for damages in respect of the injury, loss or damage subsequently falls to be determined.
- (2) The damages in the civil proceedings must be assessed without regard to the order.
- (3) But the claimant may recover only an amount equal to the aggregate of—
- (a) any amount by which the damages assessed exceed the compensation, and
 - (b) a sum equal to any portion of the compensation which the person fails to recover (“unrecovered compensation”).
- (4) The claimant may not enforce the judgment, so far as it relates to unrecovered compensation, without the leave of the court.

Modifications etc. (not altering text)

- C11** S. 144 applied (with modifications) by 2015 c. 30, s. 10(3) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 293(3)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

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Commencement Information

I66 S. 144 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

145 Compensation orders: interpretation

(1) In this Chapter—

“appropriate court”, in relation to a compensation order, means the magistrates' court which, by virtue of section 41(1) of the Administration of Justice Act 1970, for the time being has functions in relation to collection and enforcement of the order;

“road accident” has the meaning given by section 136.

(2) For the purposes of this Chapter a compensation order is made in respect of an offence if it relates to personal injury, loss, damage or death resulting from that offence.

For this purpose, “offence” includes an offence taken into consideration by a court when sentencing an offender for an offence of which the offender has been convicted.

Commencement Information

I67 S. 145 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Compensation etc under other Acts

146 Compensation etc under other Acts

For provision about other orders requiring payment of compensation etc that are available to courts dealing with offenders for particular offences, see—

<i>Power to make order</i>	<i>Description of order</i>
section 8 of the Modern Slavery Act 2015	slavery and trafficking reparation order where person convicted of offence under section 1, 2 or 4 of that Act
section 4 of the Prevention of Social Housing Fraud Act 2013	unlawful profit order on conviction of offence under section 1 or 2 of that Act or certain associated offences.

Commencement Information

I68 S. 146 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 03/07/2023.

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CHAPTER 3

RESTITUTION AND RESTORATION

147 Restitution order where goods stolen or obtained by blackmail or fraud

- (1) In this Code, “restitution order” means an order made in an offender's case with respect to particular goods (referred to in this section as “the stolen goods”) that—
- (a) requires anyone who has possession or control of the stolen goods (“the holder”) to restore them to any other person entitled to recover them from the holder,
 - (b) requires any other goods representing the stolen goods to be transferred or delivered to any person entitled to recover those other goods from the offender,
 - (c) requires payment of a sum out of any removed money to any person who would be entitled to recover the stolen goods from the offender if they were in the offender's possession, or
 - (d) requires payment of a sum out of any removed money to—
 - (i) any person to whom the offender has sold the stolen goods, or
 - (ii) any person from whom the offender has borrowed money on the security of the stolen goods.
- (2) For the purposes of subsection (1)—
- (a) goods represent the stolen goods if they are the proceeds of disposal or realisation of all or part of the stolen goods, or of other goods which represent the stolen goods;
 - (b) “removed money” means money of the offender which was taken out of the offender's possession when the offender was apprehended.

Commencement Information

I69 S. 147 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

148 Restitution order: availability

- (1) A restitution order with respect to particular goods is available to a court in an offender's case where—
- (a) the goods have been stolen, and
 - (b) either—
 - (i) the offender is convicted by or before the court of an offence with reference to the theft of the goods, whether or not the stealing was the gist of it (an “offence related to the theft”), or
 - (ii) the court takes an offence related to the theft into consideration in determining sentence for any other offence of which the offender is convicted by or before the court.
- (2) A restitution order under section 147(1)(b) is available only on the application of the person in whose favour it is to be made.
- (3) A restitution order with respect to any goods under section 147(1)(d) is available only if the court has made a restitution order under section 147(1)(a) with respect to the goods.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (4) Making a deferment order, or otherwise deferring sentence, does not preclude a court from making a restitution order.

Commencement Information

I70 S. 148 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

149 Making a restitution order

- (1) This section applies where a restitution order is available to a court in an offender's case.
- (2) The court may make a restitution order only if in the opinion of the court the relevant facts sufficiently appear from any of the following—
- (a) evidence given at the trial;
 - (b) any written statements or admissions which were made for use, and would have been admissible, as evidence at the trial;
 - (c) any documents served on the offender in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998 (procedure where persons sent for trial);
 - (d) admissions made by or on behalf of any person in connection with any proposed exercise of the powers to make a restitution order.
- (3) If the court makes restitution orders under paragraphs (b) and (c) of section 147(1) in respect of the theft of the same goods, they must not result in the person in whose favour they are made recovering more than the value of those goods.
- (4) A restitution order under section 147(1)(c) may not require payment of more than the value of the stolen goods.
- (5) Subsections (6) and (7) apply in relation to making to a restitution order under section 147(1)(d) in relation to any goods.
- (6) The court may make the restitution order only if satisfied that—
- (a) the purchaser was acting in good faith when purchasing the goods, or
 - (b) the lender was acting in good faith when lending money on the security of the goods.
- (7) The restitution order may not require payment of more than—
- (a) the amount which the purchaser paid for the purchase, or
 - (b) the amount owed to the lender in respect of the loan.

Commencement Information

I71 S. 149 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

150 Restitution orders: supplementary provision about appeals

- (1) Subsections (2) and (3) apply where a restitution order has been made in an offender's case against any person.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Order in respect of offence taken into consideration

- (2) Subsection (3) applies where the restitution order was made in respect of an offence taken into consideration by the court in determining sentence for one or more other offences of which the offender was convicted (each, a “main offence”).
- (3) The restitution order ceases to have effect if the offender successfully appeals against conviction of the main offence or, if more than one, all the main offences.

Initial period of suspension

- (4) Subsection (5) applies to a restitution order made by a magistrates' court, unless the court directs under subsection (6) that it is not to apply.
- (5) The restitution order does not take effect until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time).
- (6) A magistrates' court may direct that subsection (5) is not to apply to a restitution order if—
 - (a) the restitution order is made under section 147(1)(a) or (b), and
 - (b) the court is of the opinion that the title to the goods to be restored or, as the case may be, delivered or transferred under the order is not in dispute.
- (7) A restitution order is to be treated as an order for the restitution of property for the purposes of section 30 of the Criminal Appeal Act 1968 (effect of appeals on such orders).
- (8) See, in particular, subsection (1) of that section for provision about—
 - (a) the initial period of suspension of a restitution order made by the Crown Court, and
 - (b) the Crown Court's power to direct that the initial period of suspension is not to apply.

Commencement Information

I72 S. 150 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

151 Restitution orders: interpretation and application

- (1) In this Chapter, references to stealing are to be read in accordance with—
 - (a) section 1(1) of the Theft Act 1968 (read with the provisions of that Act relating to the construction of section 1(1)), and
 - (b) subsections (2) and (3).

(See also section 119(2) of the Consumer Credit Act 1974, which treats unreasonable refusal to deliver pawn as stealing for the purposes of this Chapter.)

- (2) In this Chapter, references to goods which have been stolen include references to goods which have been obtained—
 - (a) by blackmail, or
 - (b) by fraud (within the meaning of the Fraud Act 2006);

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and references to “stealing” and “theft” are to be read accordingly.

- (3) In determining for the purposes of this Chapter whether goods have been stolen, it is immaterial whether the stealing occurred—
- (a) before or after the Theft Act 1968, or the Fraud Act 2006, came into force, or
 - (b) in England and Wales or elsewhere,
- provided that the stealing (if not an offence under either of those Acts) amounted to an offence where and when the goods were stolen.
- (4) In this Chapter, “goods”, except so far as the context otherwise requires, includes money and every other description of property (within the meaning of the Theft Act 1968) except land, and includes things severed from the land by stealing.
- (5) A restitution order may be made in respect of money owed by the Crown.

Commencement Information

I73 S. 151 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

CHAPTER 4

FORFEITURE, DEPRIVATION OF PROPERTY ETC

152 Deprivation order

In this Code “deprivation order” means an order under this Chapter which—

- (a) is made in respect of an offender for an offence, and
- (b) deprives the offender of any rights in the property to which it relates.

Commencement Information

I74 S. 152 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

153 Deprivation order: availability

- (1) A deprivation order relating to any property to which subsection (2) applies is available to the court by or before which an offender is convicted of an offence.
- (2) This subsection applies to property which—
- (a) has been lawfully seized from the offender, or
 - (b) was in the offender's possession or under the offender's control when—
 - (i) the offender was apprehended for the offence, or
 - (ii) a summons in respect of it was issued,if subsection (3) or (5) applies.
- (3) This subsection applies if the court is satisfied that the property—
- (a) has been used for the purpose of committing, or facilitating the commission of, any offence, or
 - (b) was intended by the offender to be used for that purpose.

Status: Point in time view as at 03/07/2023.

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- (4) For the purposes of subsection (3), facilitating the commission of an offence includes taking any steps after it has been committed for the purpose of—
- (a) disposing of any property to which the offence relates, or
 - (b) avoiding apprehension or detection.
- (5) This subsection applies if—
- (a) the offence mentioned in subsection (1), or
 - (b) an offence which is taken into consideration by the court in determining the offender's sentence,
- consists of unlawful possession of the property.
- (6) Subsection (1) is subject to—
- (a) any restriction on forfeiture in any enactment contained in an Act passed on or after 29 July 1988,
 - (b) section 33C(8) of the Environmental Protection Act 1990 (subsection (1) not to apply where section 33C of that Act provides for forfeiture of vehicles in connection with offence under that section), and
 - (c) paragraph 7 of Schedule 5 to the Wireless Telegraphy Act 2006 (subsection (1) not to apply where person convicted of offence under Part 2, 3 or 5 of that Act).

Commencement Information

I75 S. 153 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

154 Vehicle to be treated as used for purpose of certain offences

- (1) This section applies where a person commits an offence listed in subsection (2) by—
- (a) driving, attempting to drive, or being in charge of, a vehicle,
 - (b) failing to comply with a requirement made under section 7 or 7A of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test or to give permission for such a test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive, or being in charge of, a vehicle, or
 - (c) failing, as the driver of a vehicle, to comply with subsection (2) or (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident).
- (2) Those offences are—
- (a) an offence under the Road Traffic Act 1988 which is punishable with imprisonment;
 - (b) an offence of manslaughter;
 - (c) an offence under section 35 of the Offences against the Person Act 1861 (wanton and furious driving).
- (3) The vehicle is to be regarded for the purposes of section 153 (and section 157(3)(b)) as used for the purpose of committing the offence (including where it is committed by aiding, abetting, counselling or procuring).

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Commencement Information

I76 S. 154 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

155 Exercise of power to make deprivation order

- (1) In considering whether to make a deprivation order in respect of any property, a court must have regard to—
 - (a) the value of the property, and
 - (b) the likely financial and other effects on the offender of making the order (taken together with any other order that the court contemplates making).
- (2) Where a deprivation order is available for an offence, the court may make such an order whether or not it deals with the offender in any other way for the offence.
- (3) For the effect of proceedings relating to confiscation orders on the court's powers under this section, see the following provisions of the Proceeds of Crime Act 2002—
 - (a) section 13(2) (where confiscation order is made);
 - (b) section 15 (where proceedings in relation to confiscation orders are postponed).

Commencement Information

I77 S. 155 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

156 Deprivation order: property to be taken into possession of police or Secretary of State

- (1) Where the court makes a deprivation order in respect of an offender for an offence, this section applies to the property to which the order relates.
- (2) If the court considers that the offence—
 - (a) related to immigration or asylum, or
 - (b) was committed for a purpose in connection with immigration or asylum,it may order that the property is to be taken into the possession of the Secretary of State.
- (3) Property that is taken into the possession of the Secretary of State by virtue of subsection (2) is to be treated for the purposes of section 26 of the UK Borders Act 2007 (disposal of property) as property that has come into the possession of the Secretary of State as mentioned in subsection (1)(b) of that section.
- (4) Unless the court makes an order under subsection (2), the property is to be taken into the possession of the police (if it is not already in their possession).

Commencement Information

I78 S. 156 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 03/07/2023.

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157 Property to which a deprivation order applies: orders by magistrates' court

- (1) This section applies where property to which a deprivation order relates is in the possession of the police by virtue of section 156(4).
- (2) A magistrates' court may, on the application of a police officer or a claimant of the property—
 - (a) order the delivery of the property to the person appearing to the court to be its owner, or
 - (b) if its owner cannot be ascertained, make any other order about the property.

This is subject to subsection (3).
- (3) If the application is made by a claimant of the property, the court may make an order under subsection (2) only if—
 - (a) the application is made before the end of the period of 6 months beginning with the day on which the deprivation order is made, and
 - (b) the claimant satisfies the court—
 - (i) that the claimant did not consent to the offender's possession of the property, or
 - (ii) if the deprivation order was made by virtue of section 153(3) (property used for purposes of offence), that the claimant did not know, and had no reason to suspect, that the property was likely to be used for a purpose mentioned in section 153(3).
- (4) Any right of a person to take legal proceedings against a person in possession of property by virtue of an order under subsection (2)—
 - (a) ceases at the end of the 6 month period mentioned in subsection (3)(a), but
 - (b) is not otherwise affected by the order.

Commencement Information

I79 S. 157 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

158 Regulations about unclaimed property to which deprivation order applies

- (1) The property about which regulations under section 2 of the Police (Property) Act 1897 (disposal of unclaimed property in possession of the police) may be made includes property which is in the possession of the police by virtue of section 156(4) and in respect of which—
 - (a) no application under section 157 was made by a claimant of the property during the 6 month period mentioned in subsection (3)(a) of that section, or
 - (b) no such application has succeeded.
- (2) Where section 2 of the Police (Property) Act 1897 applies by virtue of this section the restrictions in subsections (2A)(a) and (3) of that section (restrictions about dealing with property within a year) do not apply.
- (3) Regulations made by virtue of this section may not provide for the local policing body to become the owner of property which is the subject of an order under section 159 (court order as to application of property subject to deprivation order).

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Commencement Information

180 S. 158 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

159 Application of proceeds of property subject to deprivation order

- (1) This section applies where a court makes a deprivation order in respect of any property and—
 - (a) the offence was one which resulted in a person suffering personal injury, loss or damage, or
 - (b) any such offence is taken into consideration by the court in determining sentence.
- (2) The court may also make an order that any proceeds which—
 - (a) arise out of the disposal of the property, and
 - (b) do not exceed a sum specified by the court,are to be paid to the person.
- (3) The court may make an order under this section only if it is satisfied that, but for the inadequacy of the offender's means, it would have made a compensation order under which the offender would have been required to pay compensation of an amount not less than the amount specified under subsection (2)(b).
- (4) An order under this section has no effect—
 - (a) before the end of the 6 month period mentioned in section 157(3)(a), or
 - (b) if a successful application under—
 - (i) section 157, or
 - (ii) section 1(1) of the Police (Property) Act 1897,has been made.

Commencement Information

181 S. 159 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

160 Orders for forfeiture etc under other Acts

- (1) For circumstances in which the court may be required to order forfeiture of certain material, see—

<i>Function of making order</i>	<i>Description of order</i>
section 4A(1) of the Dangerous Dogs Act 1991	certain offences under that Act: contingent order for destruction of dog
section 25 or 29I of the Public Order Act 1986	forfeiture of written material or recordings to which certain offences under Part 3 or 3A of that Act apply (racial or religious hatred or hatred on grounds of sexual orientation)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

section 1(4) of the Obscene Publications Act 1964 forfeiture of articles seized under section 3 of the Obscene Publications Act 1959 where person convicted under section 2 of that Act.

- (2) For provision about other forfeiture orders and deprivation orders etc that are available to courts dealing with offenders for particular offences, see—

<i>Power to make order</i>	<i>Description of order</i>
section 18 of the Cultural Property (Armed Conflicts) Act 2017	offence under section 17 of that Act: forfeiture of unlawfully exported property
section 11 of the Modern Slavery Act 2015	forfeiture of vehicle, ship or aircraft on conviction of offence under section 2 of that Act (human trafficking)
sections 7 and 11A of the Terrorism Act 2006	forfeiture of certain things in offender's possession for purposes of offence under— (a) section 6 of that Act (training for terrorism), or (b) section 9 or 10 of that Act (misuse of or threats connected with radioactive device or material)
sections 33, 35, 37, 38 and 40 of the Animal Welfare Act 2006	deprivation and destruction of animals and equipment on conviction of certain offences under that Act
section 23 of the Terrorism Act 2000	forfeiture of money and property on conviction of certain offences under that Act (terrorist property offences)
section 23A of the Terrorism Act 2000	forfeiture of money and property on conviction of— (a) certain offences under that Act or the Terrorism Act 2006, or (b) offences ^{F10} ... which have a terrorist connection
section 120A of the Terrorism Act 2000	supplementary power to forfeit items on conviction of certain offences under that Act (weapons training and possessing things and collecting information for the purposes of terrorism)
section 6 of the Knives Act 1997	offences under sections 1 and 2 of that Act: forfeiture of knives and publications
sections 4 and 4A(4) of the Dangerous Dogs Act 1991	order for destruction of dog, or contingent destruction order, on conviction of certain offences under that Act
section 33C of the Environmental Protection Act 1990	deprivation of rights in vehicle used for certain offences under— (a) section 33 of that Act, or (b) the Environmental Permitting Regulations consisting of the disposal or deposit of waste
section 6 of the Crossbows Act 1987	offence under that Act: forfeiture or disposal of crossbow or any part
section 7 of the Forgery and Counterfeiting Act 1981	order for forfeiture of objects relating to offences under Part 1 of that Act (forgery and kindred offences)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

section 24(3) of the Forgery and Counterfeiting Act 1981	forfeiture of anything related to an offence under section 19 of that Act (reproducing British currency notes or making imitation British coins)
section 42(3) of the Health and Safety at Work etc Act 1974	offence under relevant statutory provisions (within the meaning of that Act): forfeiture of explosive article or substance
section 25C of the Immigration Act 1971	forfeiture of ship, vehicle or aircraft connected with offence under section 25, 25A or 25B of that Act (assisting unlawful immigration to member State or entry to the UK in certain circumstances)
section 27 of the Misuse of Drugs Act 1971	forfeiture order in case of certain offences under— (a) that Act, or (b) certain provisions of the Proceeds of Crime Act 2002
section 52 of the Firearms Act 1968	forfeiture and disposal of firearm in certain cases including— (a) offences under that Act, (b) offence for which custodial sentence is imposed, (c) certain offences under the Violent Crime Reduction Act 2006, and (d) other circumstances where conditions are imposed on offender with respect to firearms
section 3 of the Children and Young Persons (Harmful Publications) Act 1955	forfeiture of copies of work to which the Act applies and other articles on conviction under section 2 of that Act
section 1(2) of the Prevention of Crime Act 1953	offence under section 1(1) of that Act (carrying offensive weapon without reasonable excuse or lawful authority)
section 3 of the Incitement to Disaffection Act 1934	power to order destruction etc of documents connected with offence under that Act.

- (3) Nothing in this section is to be taken to affect—
- the power of a court to make an order under this Chapter,
 - any function of a court of making an order mentioned in the table in subsection (1) or (2), or
 - any other power or duty of a court to make an order for the forfeiture or destruction of any material.

Textual Amendments

F10 Words in s. 160(2) omitted (29.6.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 6\(2\)](#)

Modifications etc. (not altering text)

C12 S. 160: power to exclude conferred by 2006 c. 52, Sch. 6A para. 13 (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 12](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I82 S. 160 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

161 Confiscation orders under other Acts

For provision about confiscation orders, see—

- (a) the Proceeds of Crime Act 2002, or
- (b) in relation to an offence committed before 24 March 2003—
 - (i) the Drug Trafficking Act 1994;
 - (ii) Part 6 of the Criminal Justice Act 1988.

Commencement Information

I83 S. 161 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

PART 8

DISQUALIFICATION

CHAPTER 1

DRIVING DISQUALIFICATION

162 Driving disqualification order

In this Code “driving disqualification order” means an order made under this Chapter in respect of an offender that the offender is disqualified, for the period specified in the order, for holding or obtaining a driving licence.

Commencement Information

I84 S. 162 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

163 Driving disqualification: availability for any offence

- (1) A driving disqualification order is available to the court by or before which an offender is convicted of an offence if—
 - (a) the offence was committed on or after 1 January 1998, and
 - (b) the court has been notified by the Secretary of State that the power to make such orders is exercisable by the court (and the notice has not been withdrawn).
- (2) Where a driving disqualification order is available by virtue of this section, the court may make a driving disqualification order whether or not it also deals with the offender for the offence in any other way.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

185 S. 163 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

164 Driving disqualification order: availability where vehicle used for purposes of crime

- (1) A driving disqualification order is available also where—
 - (a) an offender is convicted on indictment of an offence,
 - (b) the offence is punishable on indictment with imprisonment for a term of 2 years or more, and
 - (c) the Crown Court is satisfied that a motor vehicle was used (by the offender or by anyone else) for the purpose of committing, or facilitating the commission of, the offence.
- (2) For the purposes of subsection (1), facilitating the commission of an offence includes taking any steps after it has been committed for the purpose of—
 - (a) disposing of any property to which the offence relates, or
 - (b) avoiding apprehension or detection.
- (3) A driving disqualification order is available to the court by or before which an offender is convicted of an offence also where—
 - (a) the offence is—
 - (i) common assault, or
 - (ii) any other offence involving an assault (including an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) related to, or incitement to commit, an offence),
 - (b) the offence was committed on or after 1 July 1992, and
 - (c) the court is satisfied that the assault was committed by driving a motor vehicle.

Commencement Information

186 S. 164 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

165 Disqualification period

Where a court makes a driving disqualification order in respect of an offender for an offence, the disqualification period must be such period as the court considers appropriate.

Commencement Information

187 S. 165 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

166 Extension of disqualification where custodial sentence also imposed

- (1) This section applies where a court—
 - (a) imposes a custodial sentence on an offender for an offence, and

Status: Point in time view as at 03/07/2023.

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- (b) makes a driving disqualification order in respect of the offender for the same offence.
- (2) But this section does not apply where the custodial sentence is—
- (a) a suspended sentence, or
- (b) a life sentence in relation to which the court makes a whole life order under section 321(3).
- (3) The disqualification period must be—
- (a) the discretionary disqualification period, and
- (b) the appropriate extension period.
- (4) The discretionary disqualification period is the period which the court would, in the absence of this section, have specified in the driving disqualification order.
- (5) The appropriate extension period for a sentence specified in column 2 is equal to the period calculated in accordance with column 3—

<i>Sentence</i>	<i>Length of appropriate extension period</i>
1 a detention and training order under section 233 (offenders under 18: detention and training orders)	half the term of the detention and training order
[^{F11} 1Aa sentence of detention under section 252A (special sentence of detention for terrorist offenders of particular concern)]	two-thirds of the term imposed pursuant to section 252A(5) (the appropriate custodial term)]
2 an extended sentence of detention under section 254 (persons under 18)	two-thirds of the term imposed pursuant to section 254(a) (the appropriate custodial term)
3 a sentence under section 265 (special custodial sentence for certain offenders of particular concern: adults aged 18 to 20)	[^{F12} two-thirds of] the term imposed pursuant to section 265(2)(a) (the appropriate custodial term)
4 an extended sentence of detention in a young offender institution	two-thirds of the term imposed pursuant to section 266(a) (the appropriate custodial term)
[^{F13} 4Aa serious terrorism sentence of detention in a young offender institution]	the term imposed pursuant to section 268C(2) (the appropriate custodial term)]
5 a sentence under section 278 (special custodial sentence for certain offenders of particular concern: adults aged 21 and over)	[^{F12} two-thirds of] the term imposed pursuant to section 278(2)(a) (the appropriate custodial term)
6 an extended sentence of imprisonment	two-thirds of the term imposed pursuant to section 279(a) (the appropriate custodial term)

Status: Point in time view as at 03/07/2023.

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[^{F14} 6Aa	serious terrorism sentence of the term imposed pursuant to imprisonment	of the term imposed pursuant to section 282C(2) (the appropriate custodial term)]
[^{F15} 6Ba	custodial sentence in respect of which section 244ZA of the Criminal Justice Act 2003 applies to the offender	two-thirds of the sentence
6C	a custodial sentence not within any of the preceding entries in respect of which section 247A of the Criminal Justice Act 2003 applies to the offender	two-thirds of the sentence]
7	a life sentence in relation to which a minimum term order is made under section 321(2)	the term specified in the minimum term order
8	any other case	half the custodial sentence imposed.

[^{F16}(5A) In the case of a sentence specified in entry 2, 4 or 6 of column 2 in the table which is within section 247A(2A) of the Criminal Justice Act 2003, the corresponding entry in column 3 of the table is to be read with the omission of “two-thirds of”.]

(6) Any period determined under subsection (5) which includes a fraction of a day must be rounded up to the nearest number of whole days.

(7) Where—

- (a) an order (“the amending order”) is made under section 267 of the Criminal Justice Act 2003 (alteration by order of relevant proportion of sentence), and
- (b) the amending order provides that the proportion of a custodial sentence for the time being referred to in section 243A(3)(a) or 244(3)(a) of that Act (release of prisoners in certain circumstances) is to be read as a reference to another proportion (the “new proportion”),

the Secretary of State may by regulations provide that the table in subsection (5) is to be read as if, in relation to such a sentence, [^{F17}entry] 8 specified the new proportion.

(8) Regulations under subsection (7) are subject to the affirmative resolution procedure.

(9) Subsections (4) and (6) of section 407 (general powers to make provision in regulations) do not apply to the power conferred by subsection (7).

Textual Amendments

- F11** Words in s. 166(5) table inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(6\)](#)
- F12** Word in s. 166(5) table substituted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 140\(2\)\(a\)\(i\)](#), 208(4)(q) (with s. 140(3))
- F13** Words in s. 166(5) table inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(6\)\(a\)](#)
- F14** Words in s. 166(5) table inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(6\)\(b\)](#)
- F15** Words in s. 166(5) table inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 140\(2\)\(a\)\(ii\)](#), 208(4)(q)
- F16** [S. 166\(5A\)](#) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 140\(2\)\(b\)](#), 208(4)(q)

Status: Point in time view as at 03/07/2023.

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F17 Word in s. 166(7) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 4](#)

Commencement Information

I88 S. 166 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

167 Effect of custodial sentence in other cases

- (1) This section applies where a court makes a driving disqualification order in respect of an offender for an offence, and—
- (a) it imposes a custodial sentence (other than a suspended sentence) on the offender for another offence, or
 - (b) a custodial sentence previously imposed on the offender has not expired.

- (2) In determining the disqualification period, the court must, so far as it is appropriate to do so, have regard to the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.

But the court may not take into account for this purpose any custodial sentence that it imposes on the offender for the offence.

- (3) In this section, “custodial sentence” includes a pre-Code custodial sentence (see section 222(4)).

Commencement Information

I89 S. 167 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

168 Requirement to produce licences where driving disqualification order made

A court which makes a driving disqualification order in respect of an offender must require the offender to produce any (and, if more than one, all) of the following held by the offender—

- (a) a driving licence;
- (b) a Northern Ireland licence (within the meaning of Part 3 of the Road Traffic Act 1988);
- (c) a Community licence (within the meaning of Part 3 of the Road Traffic Act 1988).

Commencement Information

I90 S. 168 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

169 Driving disqualification orders: interpretation

In this Chapter—

“disqualification period”, in relation to a driving disqualification order made in respect of an offender, means the period specified in the order as the period for which the offender is disqualified for holding or obtaining a driving licence;

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

“driving licence” means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988.

Commencement Information

I91 S. 169 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

170 Road Traffic Offenders Act 1988: further provision about driving disqualification etc

- (1) Part 2 of the Road Traffic Offenders Act 1988 makes further provision about driving disqualification.

Provision applying to driving disqualification orders under this Chapter

- (2) For provision about the effect of driving disqualification orders under this Chapter see in particular—
- (a) section 37 (effect of order of disqualification);
 - (b) sections 39, 40 and 42 (suspension and removal of disqualification);
 - (c) section 43 (rule for determining end of period of disqualification).

Other orders under that Act available on conviction of certain offences

- (3) For other orders available on conviction of certain road traffic offences see, in particular, the following provisions of that Act—
- (a) section 34 (disqualification);
 - (b) section 35 (disqualification for repeated offences);
 - (c) section 36 (disqualification until test is passed);
 - (d) section 44 (endorsement of driving record).

Commencement Information

I92 S. 170 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

CHAPTER 2

DISQUALIFICATION ETC UNDER OTHER ACTS

171 Offences relating to animals

- (1) For orders relating to disqualification and licensing in the case of offences under the Animal Welfare Act 2006, see the following provisions of that Act—
- (a) section 34 (disqualification);
 - (b) section 42 (orders with respect to licences).
- (2) See section 4 of the Dangerous Dogs Act 1991 for orders relating to disqualification in the case of offences under that Act.

Status: Point in time view as at 03/07/2023.

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[^{F18}(3) See section 66 of the Police, Crime, Sentencing and Courts Act 2022 (disqualification order on conviction for certain offences involving dogs) for orders relating to disqualification in the case of offences involving dogs under that Act, the Night Poaching Act 1828 and the Game Act 1831.]

Textual Amendments

F18 S. 171(3) inserted (1.8.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 66\(10\)](#), [208\(1\)](#); [S.I. 2022/520](#), [reg. 7](#)

Commencement Information

I93 S. 171 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

172 Company directors

See sections 2 and 5 of the Company Directors Disqualification Act 1986 (company director disqualification orders) for provision about orders available in relation to certain offences relating to companies, building societies and other bodies.

Commencement Information

I94 S. 172 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

PART 9

COMMUNITY SENTENCES

CHAPTER 1

YOUTH REHABILITATION ORDERS

What a youth rehabilitation order is

173 Youth rehabilitation order

- (1) In this Code, “youth rehabilitation order” means an order imposing one or more youth rehabilitation requirements.
- (2) The youth rehabilitation requirements are listed in column 1 of the youth rehabilitation requirements table (see section 174).
- (3) Provision about each requirement is made by the Part of Schedule 6 mentioned in the corresponding entry in column 2 of that table.

Commencement Information

I95 S. 173 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status: Point in time view as at 03/07/2023.

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174 Youth rehabilitation requirements table

[^{F19}(1)] The youth existing rehabilitation requirements table referred to in sections 173, 184 and 186 is—

<i>Requirement</i>	<i>Part of Schedule 6 relating to requirement</i>	<i>Restrictions on availability</i>
activity requirement	Part 1	
extended activity requirement	Part 1	section 185(1)
supervision requirement	Part 2	
unpaid work requirement	Part 3	section 185(2)
programme requirement	Part 4	
attendance centre requirement	Part 5	
prohibited activity requirement	Part 6	
curfew requirement	Part 7	
exclusion requirement	Part 8	
residence requirement	Part 9	
local authority residence requirement	Part 10	
fostering requirement	Part 11	section 175(2)(b), section 185(3)
mental health treatment requirement	Part 12	
drug treatment requirement	Part 13	
drug testing requirement	Part 14	
intoxicating substance treatment requirement	Part 15	
education requirement	Part 16	
[^{F20} electronic monitoring requirement][^{F20} electronic compliance monitoring requirement]	Part 17	section 185(4)
[^{F21} electronic whereabouts monitoring requirement]	Part 17	section 185(5)]

[^{F22}(2) See section 198A for provision about an electronic monitoring requirement imposed by a youth rehabilitation order made in respect of an offence of which the offender was convicted before the day on which paragraph 4 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).]

Textual Amendments

F19 S. 174 renumbered as s. 174(1) (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 4\(2\)](#)

Status: Point in time view as at 03/07/2023.

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- F20** Words in s. 174(1) table substituted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 4\(3\)\(a\)](#)
- F21** Words in s. 174(1) table inserted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 4\(3\)\(b\)](#)
- F22** S. 174(2) inserted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 4\(4\)](#)

Commencement Information

- I96** S. 174 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

175 Youth rehabilitation order with intensive supervision and surveillance

- (1) In this Code “youth rehabilitation order with intensive supervision and surveillance” means a youth rehabilitation order which imposes—
- (a) an extended activity requirement (see paragraph 2 of Schedule 6),
 - (b) a supervision requirement, ^[F23]and
 - (c) a curfew requirement (and, accordingly, if so required by paragraph 19(3) of Schedule 6, an ^[F24]electronic monitoring requirement^[F24]electronic compliance monitoring requirement^[F25], and
 - (d) in relation to an order made on or after the day on which paragraph 16 of Schedule 17 to the [Police, Crime, Sentencing and Courts Act 2022](#) first came into force to any extent, an electronic whereabouts monitoring requirement, unless paragraph 48 of Schedule 6 prevents such a requirement from being imposed.]
- (2) A youth rehabilitation order with intensive supervision and surveillance—
- (a) may impose other youth rehabilitation requirements, but
 - (b) may not impose a fostering requirement.

Textual Amendments

- F23** Word in s. 175(1)(b) omitted (3.7.2023 in relation to specified areas until 3.1.2025) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(1)(u), [Sch. 17 para. 16\(a\)](#); [S.I. 2023/705](#), regs. 2, 3, 4(1), [Sch.](#) (with [reg. 4\(2\)](#))
- F24** Words in s. 175(1)(c) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 5](#); [S.I. 2023/705](#), regs. 2, 3, 4(1), [Sch.](#) (with [reg. 4\(2\)](#))
- F25** S. 175(1)(d) and word inserted (3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(1), [Sch. 17 para. 16\(b\)](#); [S.I. 2023/705](#), regs. 2, 3, 4(1), [Sch.](#) (with [reg. 4\(2\)](#))

Commencement Information

- I97** S. 175 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

176 Youth rehabilitation order with fostering

- (1) In this Code “youth rehabilitation order with fostering” means a youth rehabilitation order which imposes—
- (a) a fostering requirement (see Part 11 of Schedule 6), and
 - (b) a supervision requirement.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

(2) A youth rehabilitation order with fostering may also impose other requirements.

But this is subject to section 175(2) (fostering requirement not available with intensive supervision and surveillance).

Commencement Information

I98 S. 176 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Availability

177 Youth rehabilitation order: availability

(1) A youth rehabilitation order is available to a court by or before which an offender is convicted of an offence if the offender is aged under 18 at the time of the conviction.

(2) Subsection (1) is subject to—

- (a) subsection (3), and
- (b) section 37(8) of the Mental Health Act 1983 (youth rehabilitation order not to be made in combination with hospital order or guardianship order in respect of same offence).

(3) A youth rehabilitation order is not available if a mandatory sentence requirement applies in relation to the offence (see section 399)—

- (a) because the sentence is fixed by law, or
- (b) by virtue of—
 - (i) section 258 [^{F26}or 258A] (required sentence of detention for life), or
 - (ii) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).

But this is subject to section 74 and Chapter 4 of Part 12 (reduction of sentence for assistance to prosecution).

Textual Amendments

F26 Words in s. 177(3)(b)(i) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 3\(2\), 208\(5\)\(b\)](#)

Commencement Information

I99 S. 177 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

178 Youth rehabilitation order with intensive supervision and surveillance or fostering: availability

(1) A youth rehabilitation order which is—

- (a) a youth rehabilitation order with intensive supervision and surveillance, or
- (b) a youth rehabilitation order with fostering,

is available only in respect of an imprisonable offence.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (2) This is subject to paragraph 11(2) of Schedule 7 (powers of court in case of wilful and persistent failure to comply with youth rehabilitation order).

Commencement Information

I100 S. 178 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Exercise of power to make youth rehabilitation order

179 Exercise of power to make youth rehabilitation order: general considerations

- (1) This section applies where a court is dealing with an offender for an offence and a youth rehabilitation order is available.
- (2) The court must not make a youth rehabilitation order unless it is of the opinion that—
 - (a) the offence, or
 - (b) the combination of the offence and one or more offences associated with it, was serious enough to warrant the making of such an order.
- (3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and any associated offence or offences, including any aggravating or mitigating factors.
- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.
- (5) The fact that, by virtue of subsection (2), the court may make a youth rehabilitation order does not require it to do so.
- (6) Before making a youth rehabilitation order, the court must obtain and consider information about—
 - (a) the offender's family circumstances, and
 - (b) the likely effect of a youth rehabilitation order on those circumstances.

Commencement Information

I101 S. 179 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

180 Making youth rehabilitation order with intensive supervision and surveillance or fostering

- (1) This section applies where either of the following orders is available to a court dealing with an offender for an offence—
 - (a) a youth rehabilitation order with intensive supervision and surveillance;
 - (b) a youth rehabilitation order with fostering.
- (2) The court must not make an order of either of those kinds unless it is of the opinion—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (a) that the offence, or the combination of the offence and one or more offences associated with it, was so serious that, if such an order were not available, a custodial sentence—
 - (i) would be appropriate, or
 - (ii) where the offender is aged under 12 when convicted, would be appropriate if the offender were aged 12, and
 - (b) if the offender is aged under 15 when convicted, that the offender is a persistent offender.
- (3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.
- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

Commencement Information

I102 S. 180 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

181 Making youth rehabilitation order where offender subject to other order

Offender subject to detention and training order

- (1) Where a court makes a youth rehabilitation order in respect of an offender who is subject to a detention and training order, the court may order that the youth rehabilitation order is to take effect—
 - (a) when the period of supervision in respect of the detention and training order begins in accordance with section 242 (the period of supervision), or
 - (b) on the expiry of the detention and training order.
- (2) For the purposes of subsection (1)—
 - (a) the references to a detention and training order include an order made under section 211 of the Armed Forces Act 2006 (detention and training orders made by service courts), and
 - (b) the reference to section 242 includes that provision as applied by section 213 of that Act.
- (3) For those purposes, the references in subsections (1) and (2) to a detention and training order include an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (and references to section 242 include references to section 103 of that Act).

Offender subject to youth rehabilitation order or reparation order

- (4) A court must not make a youth rehabilitation order in respect of an offender when—
 - (a) another youth rehabilitation order, or
 - (b) a reparation order,is in force in respect of the offender, unless when it makes the order it revokes the earlier order.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (5) For the purposes of subsection (4)—
- (a) the reference in paragraph (a) to another youth rehabilitation order includes an order under section 1 of the Criminal Justice and Immigration Act 2008, and
 - (b) the reference in paragraph (b) to a reparation order includes an order under section 73 of the Powers of Criminal Courts (Sentencing) Act 2000.

Court dealing with offender for offences including one of which the offender is convicted when aged 18

- (6) A court may not make a youth rehabilitation order in respect of an offence if it makes a suspended sentence order for any other offence for which it deals with the offender.

Commencement Information

I103 S. 181 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

182 Youth rehabilitation order: effect of remand in custody

- (1) In determining the restrictions on liberty to be imposed by a youth rehabilitation order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with—
- (a) the offence, or
 - (b) any other offence the charge for which was founded on the same facts or evidence.
- (2) For this purpose a person is remanded in custody if—
- (a) remanded in or committed to custody by order of a court,
 - (b) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail), or
 - (c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.

Commencement Information

I104 S. 182 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

183 Concurrent and consecutive orders

- (1) This section applies where a court is dealing with an offender for two or more offences.
- (2) If the court makes an order of any of the following kinds in respect of one of the offences—
- (a) a youth rehabilitation order with intensive supervision and surveillance,
 - (b) a youth rehabilitation order with fostering, or
 - (c) any other youth rehabilitation order,
- it may not make a youth rehabilitation order of another of those kinds in respect of the other offence, or any of the other offences.
- (3) If the court makes—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (a) two or more youth rehabilitation orders with intensive supervision and surveillance, or
 - (b) two or more youth rehabilitation orders with fostering,
- those orders must take effect at the same time (in accordance with section 198).
- (4) Subsections (5) to (7) apply where the court includes requirements of the same kind in two or more youth rehabilitation orders.
- (5) The court must direct, for each kind of requirement—
- (a) whether the requirements are to be concurrent or consecutive, or
 - (b) if more than two requirements of that kind are imposed, which are to be concurrent and which consecutive.
- (6) But the court may not direct that two or more fostering requirements are to be consecutive.
- (7) Where the court directs that two or more requirements of the same kind are to be consecutive, the numbers of hours, days or months specified in relation to each of them—
- (a) are to be aggregated, but
 - (b) in aggregate, must not exceed the maximum number which may be specified in relation to any one of them.
- (8) For the purposes of subsections (4) to (7), requirements are of the same kind if they fall within the same Part of Schedule 6.

Commencement Information

I105 S. 183 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Available requirements

184 Youth rehabilitation order: available requirements

- (1) Any youth rehabilitation requirement imposed by a youth rehabilitation order must be a requirement that is available to the court which makes the order.
- (2) A youth rehabilitation requirement is available unless a provision mentioned in column 3 of the entry for that requirement in the youth rehabilitation requirements table (see section 174) provides otherwise.

Commencement Information

I106 S. 184 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

185 Youth rehabilitation order: availability of particular requirements

Extended activity requirement

- (1) An extended activity requirement is not available for a youth rehabilitation order other than a youth rehabilitation order with intensive supervision and surveillance.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Unpaid work requirement

- (2) An unpaid work requirement is not available for a youth rehabilitation order in respect of an offence unless the offender is aged 16 or 17 when convicted of the offence.

Fostering requirement

- (3) A fostering requirement is not available for a youth rehabilitation order other than a youth rehabilitation order with fostering.

Electronic monitoring [F27 requirement][F27 requirements]

- (4) An [F28 electronic monitoring requirement][F28 electronic compliance monitoring requirement] is not available for a youth rehabilitation order unless the order imposes at least one other youth rehabilitation requirement.

- [F29(5) An electronic whereabouts monitoring requirement is not available for a youth rehabilitation order in respect of an offence unless the offender was convicted of the offence on or after the day on which paragraph 6 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).]

Textual Amendments

- F27** Word in s. 185(4) heading substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 6\(2\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))
- F28** Words in s. 185(4) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 6\(3\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))
- F29** S. 185(5) inserted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 6\(4\)](#)

Commencement Information

- I107** S. 185 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Exercise of power to impose particular requirements

186 Youth rehabilitation order: exercise of power to impose particular requirements

- (1) This section applies where a court makes a youth rehabilitation order in respect of an offence.

Restrictions and obligations relating to imposing particular requirements

- (2) The power to impose a particular youth rehabilitation requirement is subject to the provisions of the Part of Schedule 6 relating to requirements of that kind (see column 2 of the table in section 174).

Suitability

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (3) The particular youth rehabilitation requirement or combination of youth rehabilitation requirements imposed by the order must, in the opinion of the court, be the most suitable for the offender.

In the case of a youth rehabilitation order with intensive supervision and surveillance, this is subject to section 175 (by virtue of which the order must impose certain requirements).

- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming any opinion on whether a particular youth rehabilitation requirement or combination of youth rehabilitation requirements is suitable for the offender.
- (5) In forming its opinion for the purposes of subsection (3) on which requirement or combination of requirements is the most suitable for the offender, the court may take into account any information about the offender which is before it.

Restrictions on liberty to be commensurate with seriousness

- (6) The restrictions on liberty imposed by the order must be such as are in the opinion of the court commensurate with the seriousness of—
- (a) the offence, or
 - (b) the combination of the offence and one or more offences associated with it.

In the case of a youth rehabilitation order with intensive supervision and surveillance, this is subject to section 175 (by virtue of which the order must impose certain requirements).

- (7) In forming its opinion for the purposes of subsection (6), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.
- (8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.
- (9) The fact that, by virtue of subsection (6), particular restrictions on liberty may be imposed by a youth rehabilitation order does not require the court to impose those restrictions.

Compatibility with other requirements and other matters

- (10) If the order imposes two or more requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.

This is subject to sections 175 and 176 and paragraphs 19(3) and 21 of Schedule 6 (certain types of youth rehabilitation order to contain certain requirements).

- (11) The court must ensure, as far as practicable, that any requirement imposed by the order is such as to avoid—
- (a) any conflict with the offender's religious beliefs,
 - (b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and
 - (c) any conflict with the requirements of any other court order to which the offender may be subject,

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(12) Regulations under subsection (11) are subject to the negative resolution procedure.

Modifications etc. (not altering text)

C13 S. 186(2)(10)(11) applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I108 S. 186 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Making a youth rehabilitation order: contents

187 Youth rehabilitation order to specify end date

- (1) A youth rehabilitation order must specify a date (the “end date”) by which all the requirements in it must have been complied with.
- (2) The end date must be—
 - (a) not more than 3 years, and
 - (b) in the case of a youth rehabilitation order with intensive supervision and surveillance, not less than 6 months, after the date on which the order takes effect.
- (3) If a youth rehabilitation order imposes two or more different youth rehabilitation requirements—
 - (a) the order may also specify, for each of the requirements, a date by which the requirement must have been complied with;
 - (b) if it does so, the last of those dates must be the same as the end date.

Commencement Information

I109 S. 187 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

188 Youth rehabilitation order to specify offender's home local justice area

- (1) A youth rehabilitation order must specify which local justice area is the offender's home local justice area.
- (2) The area specified must be the local justice area in which the offender resides or will reside.

Modifications etc. (not altering text)

C14 S. 188 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I110 S. 188 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

189 Power for Crown Court to direct magistrates' court supervision

- (1) This section applies where the Crown Court makes a youth rehabilitation order otherwise than on appeal from a magistrates' court.
- (2) The Crown Court may include a direction that the order is to be subject to magistrates' court supervision.

For the effect of such a direction, see Schedule 7 (breach, revocation or amendment of youth rehabilitation order).

Commencement Information

I111 S. 189 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

190 Provision of copies of youth rehabilitation order and related documents

- (1) This section applies when a court makes a youth rehabilitation order.
- (2) The court must forthwith provide copies of the order—
 - (a) to the offender,
 - (b) if the offender is aged under 14, to the offender's parent or guardian,
 - (c) to a member of a youth offending team assigned to the court or to an officer who is acting at the court and is an officer of a provider of probation services, and
 - (d) if the court does not act in the offender's home local justice area, to a provider of probation services operating in that area.
- (3) If the order imposes a requirement specified in column 1 of the following table, the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

Requirement	Person to whom copy of requirement is to be given
An activity requirement which comprises or includes a specified place obligation	The person in charge of each place specified under paragraph 3(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified activities obligation	The person in charge of each activity specified under paragraph 4(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified residential exercise obligation	The person in charge of each place or activity specified under paragraph 5(1)(b) of Schedule 6
An attendance centre requirement	The officer in charge of the attendance centre specified under paragraph 14(2)(a) of Schedule 6
An exclusion requirement imposed for the purpose (or partly for the purpose)	The person intended to be protected

Status: Point in time view as at 03/07/2023.

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of protecting a person from being approached by the offender

A residence requirement requiring residence with an individual The individual specified under paragraph 22(2)(b) of Schedule 6

A place of residence requirement (within the meaning of paragraph 22 of Schedule 6) relating to residence in an institution The person in charge of the institution

A local authority residence requirement The local authority specified under paragraph 24(3)(b) of Schedule 6

A mental health treatment requirement The person in charge of the institution or place specified under sub-paragraph (3)(b)(i) or (ii) of paragraph 28 of Schedule 6, or the person specified under sub-paragraph (3)(b)(iii) of that paragraph

A drug treatment requirement The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6

A drug testing requirement The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6

An intoxicating substance treatment requirement The treatment director specified under paragraph 36(3)(b)(i) of Schedule 6

An education requirement The relevant authority specified under paragraph 39(2)(a) of Schedule 6

[^{F30}An electronic monitoring requirement][^{F30}An electronic compliance monitoring requirement] Any person who by virtue of paragraph 42(1) of Schedule 6 will be responsible for the electronic monitoring

Any person without whose consent the requirement could not be included in the order.

[^{F31}An electronic whereabouts monitoring requirement] Any person who by virtue of paragraph 46 of Schedule 6 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.]

(4) If the court does not act in the offender's home local justice area, it must provide the magistrates' court acting in the offender's home local justice area with—

- (a) a copy of the order, and
- (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

Textual Amendments

F30 Words in s. 190(3) Table substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 7\(a\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

F31 Words in s. 190(3) Table inserted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 7\(b\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

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Modifications etc. (not altering text)

C15 Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I112 S. 190 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Obligations of responsible officer and offender

191 The responsible officer

(1) For the purposes of this Chapter, “the responsible officer”, in relation to an offender to whom a youth rehabilitation order relates, means the person identified in subsection ^{F32}... (3) or (4).

^{F33}(2)

(3) If the only youth rehabilitation requirement imposed by the order is an attendance centre requirement, the responsible officer is the officer in charge of the attendance centre specified in the order.

(4) In any other case the responsible officer is the qualifying officer who, as respects the offender, is for the time being responsible for discharging the functions conferred by this Chapter on the responsible officer.

(5) In subsection (4) “qualifying officer”, means—

- (a) a member of a youth offending team established by a local authority specified in the order for the purposes of this section, or
- (b) an officer of a provider of probation services acting in the offender's home local justice area.

Textual Amendments

F32 Word in s. 191(1) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(u), **Sch. 17 para. 23(2)(a)**

F33 S. 191(2) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(u), **Sch. 17 para. 23(2)(b)**

Modifications etc. (not altering text)

C15 Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I113 S. 191 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

192 Obligations of responsible officer

(1) This section applies where a youth rehabilitation order is in force.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Functions of the responsible officer

- (2) The responsible officer must—
- (a) make any arrangements that are necessary in connection with the requirements imposed by the order,
 - (b) promote the offender's compliance with those requirements, and
 - (c) where appropriate, take steps to enforce those requirements.
- ^{F34}(3)

Exercise of functions by responsible officer

- (4) In giving instructions to the offender in pursuance of the order, the responsible officer must ensure, as far as practicable, that any instruction is such as to avoid—
- (a) any conflict with the offender's religious beliefs,
 - (b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and
 - (c) any conflict with the requirements of any other court order to which the offender may be subject,
- and satisfies any additional restrictions that the Secretary of State may specify in regulations.
- (5) Regulations under subsection (4) are subject to the negative resolution procedure.

Textual Amendments

F34 S. 192(3) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(u), [Sch. 17 para. 23\(3\)](#)

Modifications etc. (not altering text)

C15 Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 266\(5\)](#), [270](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

Commencement Information

I114 S. 192 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

193 Duty of offender to keep in touch with responsible officer etc

- (1) This section applies where a youth rehabilitation order is in force.
- (2) The offender—
- (a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time, and
 - (b) must notify the responsible officer of any change of address.
- (3) This obligation is enforceable as if it were a youth rehabilitation requirement of the youth rehabilitation order.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I115 S. 193 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Review

194 Power to provide for court review of youth rehabilitation orders

- (1) The Secretary of State may by regulations—
 - (a) enable or require a court making a youth rehabilitation order to provide for the order to be reviewed periodically by that or another court,
 - (b) enable a court to amend a youth rehabilitation order so as to include or remove a provision for review by a court, and
 - (c) make provision as to the timing and conduct of reviews and as to the powers of the court on a review.
- (2) Regulations under this section may, in particular, make provision in relation to youth rehabilitation orders corresponding to any provision made by sections 293 to 295 in relation to suspended sentence orders.
- (3) Regulations under this section may repeal or amend any provision of this Chapter.
- (4) Regulations under this section are subject to the affirmative resolution procedure.

Commencement Information

I116 S. 194 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Breach, revocation or amendment of order

195 Breach, revocation or amendment of youth rehabilitation order

Schedule 7 makes provision about—

- (a) failures to comply with the requirements of youth rehabilitation orders, and
- (b) revocation and amendment of youth rehabilitation orders.

Commencement Information

I117 S. 195 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Transferring order to Northern Ireland

196 Transfer of youth rehabilitation orders to Northern Ireland

Schedule 8 makes provision about the transfer of youth rehabilitation orders to Northern Ireland.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I118 S. 196 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Youth rehabilitation orders: supplementary

197 Youth rehabilitation orders: interpretation

In this Chapter, except where the contrary intention appears—

“end date”, in relation to a youth rehabilitation order, means the date for the time being specified in the order under—

- (a) section 187 (youth rehabilitation order to specify end date),
- (b) paragraph 10(4) of Schedule 7 (power to substitute later end date on breach), or
- (c) paragraph 18(1) of that Schedule (extension of order);

“home local justice area”, in relation to a youth rehabilitation order, means the local justice area for the time being specified in the order under—

- (a) section 188, or
- (b) paragraph 15(2) of Schedule 7;

“the responsible officer”, in relation to an offender to whom a youth rehabilitation order relates, has the meaning given by section 191;

“youth rehabilitation requirement” has the meaning given by section 173.

Modifications etc. (not altering text)

C16 S. 197 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

I119 S. 197 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

198 When a youth rehabilitation order is in force

- (1) A youth rehabilitation order takes effect at the beginning of the day on which it is made.
- (2) But a court making a youth rehabilitation order may order that it is to take effect instead on a later date (and see, in particular, section 181(1)).
- (3) A youth rehabilitation order is in force for the period—
 - (a) beginning when it takes effect, and
 - (b) ending—
 - (i) with the end date, or
 - (ii) if later, when the offender has completed any unpaid work requirement imposed by the order.
- (4) But a youth rehabilitation order ceases to be in force when it is revoked.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (5) An unpaid work requirement is completed when the offender has worked under it for the number of hours specified in the order.

Modifications etc. (not altering text)

C17 S. 198(3)-(5) applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I120 S. 198 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

[^{F35}**198A** **Electronic monitoring requirement previously imposed**

- (1) This section applies where an electronic monitoring requirement was imposed by a youth rehabilitation order in respect of an offence of which the offender was convicted before the day on which paragraph 4 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).
- (2) In this section “electronic monitoring requirement” has the meaning given by paragraph 41 of Schedule 6 as it had effect before the day mentioned in subsection (1).
- (3) The electronic monitoring requirement is not affected by the renaming of electronic monitoring requirements as electronic compliance monitoring requirements by that Act.
- (4) This Chapter applies in relation to the youth rehabilitation order as if any reference to an electronic compliance monitoring requirement were to an electronic monitoring requirement.]

Textual Amendments

F35 S. 198A inserted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), **Sch. 17 para. 8**; S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

199 Youth rehabilitation orders: Isles of Scilly

- (1) This Chapter has effect in relation to the Isles of Scilly with such exceptions, adaptations and modifications as the Secretary of State may by regulations specify.
- (2) Regulations under this section are subject to the negative resolution procedure.

Commencement Information

I121 S. 199 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

CHAPTER 2

COMMUNITY ORDERS

What a community order is

200 Community order

- (1) In this Code “community order” means an order imposing one or more community order requirements.
- (2) The community order requirements are listed in column 1 of the community order requirements table (see section 201).
- (3) Provision about each requirement is made by the Part of Schedule 9 mentioned in the corresponding entry in column 2 of that table.

Commencement Information

I122 S. 200 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

201 Community order requirements table

The community order requirements table referred to in sections 200, 206 and 208 is—

<i>Requirement</i>	<i>Part of Schedule 9 relating to requirement</i>	<i>Restrictions on availability</i>
unpaid work requirement	Part 1	
rehabilitation activity requirement	Part 2	
programme requirement	Part 3	
prohibited activity requirement	Part 4	
curfew requirement	Part 5	
exclusion requirement	Part 6	
residence requirement	Part 7	
foreign travel prohibition requirement	Part 8	
mental health treatment requirement	Part 9	
drug rehabilitation requirement	Part 10	
[^{F36} drug testing requirement	Part 10A	section 207(3A)]
alcohol treatment requirement	Part 11	
alcohol abstinence and monitoring requirement	Part 12	section 207(1) or (2)
attendance centre requirement	Part 13	section 207(3)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

electronic compliance monitoring requirement	Part 14	section 207(4)
electronic whereabouts monitoring requirement	Part 14	

Textual Amendments

F36 Words in s. 201 table inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 15 para. 2](#)

Commencement Information

I123 S. 201 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Availability

202 Community order: availability

- (1) A community order is available to a court by or before which an offender is convicted of an offence if—
 - (a) the offender is aged 18 or over when convicted, and
 - (b) the offence is punishable with imprisonment by that court.
- (2) Subsection (1) is subject to—
 - (a) subsection (3),
 - (b) section 203 (restriction on making both community order and suspended sentence order), and
 - (c) section 37(8) of the Mental Health Act 1983 (community order not to be made in combination with hospital order or guardianship order in respect of same offence).
- (3) A community order is not available in respect of an offence in relation to which a mandatory sentence requirement applies (see section 399).

But this is subject to section 74 and Chapter 4 of Part 12 (reduction of sentence for assistance to prosecution).

Commencement Information

I124 S. 202 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

203 Restriction on making both community order and suspended sentence order

A court may not make a community order in respect of an offence if it makes a suspended sentence order in respect of—

- (a) the offence,
- (b) any other offence of which the offender is convicted by or before it, or
- (c) any other offence for which it deals with the offender.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- C18** S. 203 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C19** S. 203 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C20** S. 203 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

Commencement Information

- I125** S. 203 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Exercise of power to make community order

204 Exercise of power to impose community order: general considerations

- (1) This section applies where a community order is available.
- (2) The court must not make a community order unless it is of the opinion that—
 - (a) the offence, or
 - (b) the combination of the offence and one or more offences associated with it, was serious enough to warrant the making of such an order.
- (3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.
- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.
- (5) The fact that, by virtue of subsection (2), the court may make a community order does not require it to do so.

Commencement Information

- I126** S. 204 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

205 Community order: effect of remand in custody

- (1) In determining the restrictions on liberty to be imposed by a community order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with—
 - (a) the offence, or
 - (b) any other offence the charge for which was founded on the same facts or evidence.
- (2) For this purpose, a person is remanded in custody if—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (a) remanded in or committed to custody by order of a court,
 - (b) remanded to youth detention accommodation (see subsection (3)), or
 - (c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.
- (3) The reference in subsection (2)(b) to being remanded to youth detention accommodation—
- (a) has the same meaning as in Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail): see, in particular, section 91 of that Act, but
 - (b) also includes a reference to being remanded or committed before 3 December 2012 to local authority accommodation under section 23 of the Children and Young Persons Act 1969 and—
 - (i) kept in secure accommodation (within the meaning of that section), or
 - (ii) detained in a secure training centre pursuant to arrangements under subsection (7A) of that section.

Commencement Information

I127 S. 205 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Available requirements

206 Community order: available requirements

- (1) A court may not make a community order which imposes a community order requirement that is not an available requirement.
- (2) A community order requirement is an available requirement unless a provision mentioned in column 3 of the entry for that requirement in the community order requirements table (see section 201) provides otherwise.

Modifications etc. (not altering text)

- C21** S. 206 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C22** S. 206 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 7\(5\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C23** S. 206 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 8](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

I128 S. 206 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

207 Community order: availability of particular requirements

Alcohol abstinence and monitoring requirement

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (1) An alcohol abstinence and monitoring requirement is not an available requirement unless regulations are in force under paragraph 25(7)(c) of Schedule 9 (prescribed arrangements for monitoring).
- (2) An alcohol abstinence and monitoring requirement imposing a requirement within paragraph 25(1)(a)(ii) of Schedule 9 (alcohol level to be kept below specified level) is not an available requirement unless regulations are in force under 25(7)(b) of that Schedule (prescribed alcohol level).

Attendance centre requirement

- (3) An attendance centre requirement is not an available requirement unless ^{F37}—
 - (a) the offender was convicted of the offence before the day on which section 152 of the Police, Crime, Sentencing and Courts Act 2022 came into force, and
 - (b) the offender was aged under 25 when convicted of the offence.]

^{F38}*Drug testing requirement*

- (3A) A drug testing requirement is not an available requirement if the offender was convicted of the offence before the day on which section 154 of the Police, Crime, Sentencing and Courts Act 2022 came into force.]

Electronic compliance monitoring requirement

- (4) An electronic compliance monitoring requirement is not an available requirement in relation to a community order unless the community order imposes at least one other available requirement, other than—
 - (a) an alcohol abstinence and monitoring requirement;
 - (b) an electronic whereabouts monitoring requirement.

Textual Amendments

F37 S. 207(3)(a)(b) and word substituted (28.6.2022) for words by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 152(2)**, 208(1); S.I. 2022/520, reg. 5(q)

F38 S. 207(3A) and heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), **Sch. 15 para. 3**

Modifications etc. (not altering text)

C24 S. 207 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

C25 S. 207(3) applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

C26 S. 207(3) applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

I129 S. 207 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Exercise of power to impose requirements

208 Community order: exercise of power to impose particular requirements

- (1) This section applies where a court makes a community order in respect of an offence.

Restrictions and obligations relating to imposing particular requirements

- (2) The power to impose a particular community order requirement is subject to the provisions of the Part of Schedule 9 relating to requirements of that kind (see column 2 of the table in section 201).

Suitability of requirements

- (3) The particular community order requirement or community order requirements imposed by the order must, in the opinion of the court, be the most suitable for the offender.

This is subject to subsection (10).

- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming any opinion on whether a particular requirement or combination of requirements is suitable for the offender.

- (5) In forming its opinion for the purposes of subsection (3) on which requirement or combination of requirements is most suitable for the offender, the court may take into account any information about the offender which is before it.

Considerations of seriousness and punishment etc

- (6) The restrictions on liberty imposed by the order must be such as are in the opinion of the court commensurate with the seriousness of—

- (a) the offence, or
- (b) the combination of the offence and one or more offences associated with it.

This is subject to subsection (10).

- (7) In forming its opinion for the purposes of subsection (6), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

- (8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

- (9) The fact that, by virtue of subsection (6), particular restrictions on liberty may be imposed by a community order does not require the court to impose those restrictions.

- (10) The order must include at least one community order requirement imposed for the purpose of punishment.

- (11) Subsection (10) does not apply where—

- (a) the court also imposes a fine, or
- (b) there are exceptional circumstances relating to the offence or to the offender which—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (i) would make it unjust in all the circumstances for the court to impose a requirement for the purpose of punishment in the particular case, and
- (ii) would make it unjust in all the circumstances for the court to impose a fine for the offence concerned.

Compatibility with other matters

- (12) If the order imposes two or more different community order requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.
- (13) The court must ensure, so far as practicable, that any community order requirement imposed by the order is such as to avoid—
- (a) any conflict with the offender's religious beliefs,
 - (b) any conflict with the requirements of any other court order to which the offender may be subject, and
 - (c) any interference with the times, if any, at which the offender normally—
 - (i) works, or
 - (ii) attends any educational establishment,
 and satisfies any additional restrictions that the Secretary of State may specify in regulations.
- (14) Regulations under subsection (13) are subject to the negative resolution procedure.

Modifications etc. (not altering text)

- C27** S. 208(2) (10)-(14) applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)
- C28** S. 208(2) (10)-(14) applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)
- C29** S. 208(2) (10)-(14) applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)
- C30** S. 208(13) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C31** S. 208(13) applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I130** S. 208 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Making a community order

209 Community order to specify end date etc

- (1) A community order must specify a date (the “end date”) by which all the requirements in it must have been complied with.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (2) The end date must not be more than 3 years after the date of the order.
- (3) If a community order imposes two or more different community order requirements—
 - (a) the order may also specify, for each of the requirements, a date by which the requirement must have been complied with;
 - (b) if it does so, the last of those dates must be the same as the end date.
- (4) Section 220 sets out the effect of the end date.

Modifications etc. (not altering text)

- C32** S. 209 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C33** S. 209 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C34** S. 209 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I131** S. 209 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

210 Community order to specify offender's home local justice area

- (1) A community order must specify which local justice area is the offender's home local justice area.
- (2) The area specified must be the local justice area in which the offender resides or will reside.

Modifications etc. (not altering text)

- C35** S. 210 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C36** S. 210 applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C37** S. 210 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I132** S. 210 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

211 Power for Crown Court to direct magistrates' court supervision

- [^{F39}(1)] Where the Crown Court makes a community order, it may include a direction that the order is to be subject to magistrates' court supervision.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

[^{F40}(2) Subsection (1) does not apply to a community order that qualifies for special procedures for the purposes of section 217A.]

Textual Amendments

- F39** S. 211 renumbered as s. 211(1) (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 3\(2\)](#)
- F40** S. 211(2) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 3\(3\)](#)

Commencement Information

- I133** S. 211 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

212 Provision of copies of community order and related documents

- (1) This section applies when a court makes a community order.
- (2) The court must forthwith provide copies of the order—
- (a) to the offender,
 - (b) to the responsible officer,
 - (c) to an officer of a provider of probation services that is a public sector provider who is acting at the court, and
 - (d) if the court does not act in the offender's home local justice area, to a provider of probation services that is a public sector provider and is operating in that area.
- (3) If the order imposes any requirement specified in column 1 of the following table, the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

<i>The requirement</i>	<i>The person to whom a copy must be provided</i>
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender	The person intended to be protected
A residence requirement relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b) (iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-

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	based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring
	Any person without whose consent the requirement could not be included in the order.

- (4) If the court does not act in the offender's home local justice area, it must provide the magistrates' court acting in that area with—
- a copy of the order, and
 - such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.
- (5) In subsection (2) “public sector provider” means—
- a probation trust or other public body, or
 - the Secretary of State.

Modifications etc. (not altering text)

- C38** Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C39** S. 212(1)-(3) (5) applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)
- C40** S. 212(1)-(3) (5) applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)
- C41** S. 212(1)-(3) (5) applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)
- C42** S. 212(2)(a)(b)(3) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I134** S. 212 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Obligations of responsible officer and offender

213 The responsible officer

- (1) For the purposes of this Chapter, “the responsible officer”, in relation to an offender to whom a community order relates, means the person who is for the time being responsible for discharging the functions conferred by this Code on the responsible officer in accordance with arrangements made by the Secretary of State.
- (2) The responsible officer must be—

Status: Point in time view as at 03/07/2023.

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- (a) an officer of a provider of probation services, or
- (b) a person responsible for monitoring the offender in accordance with an electronic monitoring requirement imposed by the community order.

Modifications etc. (not altering text)

- C38** Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), 249 (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C43** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 7(5) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C44** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 3(3) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C45** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 8 (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I135** S. 213 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

214 Obligations of responsible officer

- (1) This section applies where a community order is in force.

Functions of the responsible officer

- (2) The responsible officer must—
- (a) make any arrangements that are necessary in connection with the requirements imposed by the order, and
 - (b) promote the offender's compliance with those requirements.
- (3) This is subject to paragraph 16(6) of Schedule 9 (in-patient treatment under mental health treatment requirement).

Exercise of functions by responsible officer

- (4) The responsible officer must ensure, as far as practicable, that any instruction given by the responsible officer is such as to avoid—
- (a) any conflict with the offender's religious beliefs,
 - (b) any conflict with the requirements of any other court order to which the offender may be subject, and
 - (c) any interference with the times, if any, at which the offender normally—
 - (i) works, or
 - (ii) attends any educational establishment,
 and satisfies any additional restrictions that the Secretary of State may specify in regulations.
- (5) Regulations under subsection (4) are subject to the negative resolution procedure.

Status: Point in time view as at 03/07/2023.

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Modifications etc. (not altering text)

- C38** Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C43** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C44** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C45** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C46** S. 214(4) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C47** S. 214(4) extended by 2003 c. 44, Sch. 19A para. 4 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I136** S. 214 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

215 Duty of offender to keep in touch with responsible officer

- (1) This section applies where a community order is in force.
- (2) The offender must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time.
- (3) This obligation is enforceable as if it were a community order requirement of the community order.

Modifications etc. (not altering text)

- C38** Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C43** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C44** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C45** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I137** S. 215 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Status: Point in time view as at 03/07/2023.

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216 Duty of offender to obtain permission before changing residence

- (1) This section applies where a community order—
 - (a) is in force, and
 - (b) does not include a residence requirement imposed under paragraph 13 of Schedule 9.
- (2) The offender must not change residence except with permission given in accordance with this section by—
 - (a) the responsible officer, or
 - (b) a court.
- (3) This obligation has effect as if it were a community order requirement of the community order.
- (4) The appropriate court may, on an application made by the offender, give permission in a case in which the responsible officer has refused.

For this purpose, “appropriate court” has the same meaning as in Schedule 10 (see paragraph 1 of that Schedule).
- (5) A court may also give permission in any proceedings before it under Schedule 10 (breach or amendment of order etc).
- (6) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—
 - (a) is likely to prevent the offender complying with a requirement imposed by the community order, or
 - (b) would hinder the offender's rehabilitation.
- (7) The responsible officer must refuse an application for permission if—
 - (a) the offender's present residence is in England or Wales, and
 - (b) the offender's proposed residence is outside England and Wales.
- (8) For cases in which a community order has to be amended because of permission given under this section, see paragraph 16 of Schedule 10 (amendment to reflect change in local justice area).

Modifications etc. (not altering text)

- C38** Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), 249 (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C43** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 7(5) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C44** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 3(3) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C45** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 8 (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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Commencement Information

I138 S. 216 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Review

217 Power to provide for court review of community orders

- (1) The Secretary of State may by regulations—
 - (a) enable or require a court making a community order to provide for the community order to be reviewed periodically by that or another court,
 - (b) enable a court to amend a community order so as to include or remove a provision for review by a court, and
 - (c) make provision as to the timing and conduct of reviews and as to the powers of the court on a review.
- (2) Regulations under this section may, in particular, make provision in relation to community orders corresponding to any provision made by sections 293 to 295 in relation to suspended sentence orders.
- [^{F41}(2A) Regulations under this section may not make provision in respect of community orders which for the purposes of section 217A qualify for special procedures.]
- (3) Regulations under this section may repeal or amend any provision of this Chapter.
- (4) Regulations under this section are subject to the affirmative resolution procedure.

Textual Amendments

F41 [S. 217\(2A\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), s. 208\(5\)\(r\), Sch. 14 para. 4](#)

Modifications etc. (not altering text)

C48 [S. 217](#) applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

I139 [S. 217](#) in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

[^{F42}217A Review of community order qualifying for special procedures

- (1) A community order that—
 - (a) imposes one or more community order requirements, and
 - (b) qualifies for special procedures for the purposes of this section,may make provision for the order to be reviewed periodically (“provision for review”).
- (2) Where a community order contains provision for review under this section, it must—
 - (a) specify the intervals at which the order is to be reviewed,
 - (b) provide for each review to be made, subject to section 217B, at a hearing held for the purpose by the responsible court (a “review hearing”),

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- (c) require the offender to attend each review hearing, and
 - (d) provide for a report by an officer of a provider of probation services on the offender’s progress in complying with the community order requirements of the order (a “progress report”) to be made to the responsible court before each review.
- (3) In this section “the responsible court”, in relation to a community order, means the court by which the order is made.
- (4) For more about community orders that qualify for special procedures, see section 395A.

Textual Amendments

F42 Ss. 217A-217C inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 5](#)

217B Powers on review

- (1) This section applies where a review hearing is held on a review of a community order by virtue of section 217A.
- (2) The court may, after considering the progress report, amend—
- (a) the community order requirements of the order, or
 - (b) any provision of the order which relates to those requirements.
- (3) But the court—
- (a) may not amend the community order requirements of the order so as to impose a requirement of a different kind unless the offender expresses willingness to comply with that requirement,
 - (b) may not amend—
 - (i) a mental health treatment requirement,
 - (ii) a drug rehabilitation requirement, or
 - (iii) an alcohol treatment requirement,
 unless the offender expresses willingness to comply with the requirement as amended, and
 - (c) except with the consent of the offender, may not amend the order while an appeal against the order is pending.
- (4) For the purposes of subsection (3)(a)—
- (a) a community order requirement of a kind within any entry in the table in section 201 is of the same kind as any other community requirement within that entry, and
 - (b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.
- (5) If the court is of the opinion that the offender has without reasonable excuse breached a community order requirement of the order, the court may adjourn the hearing so that the court can deal with the case forthwith under paragraph 10 or 11 of Schedule 10 (powers of court to deal with offender on breach of requirement).

Status: Point in time view as at 03/07/2023.

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- (6) For some powers available where the court is of the opinion referred to in subsection (5) but does not deal with the case forthwith, see paragraph 9A of Schedule 10.
- (7) In this section—
“review hearing”, and
“progress report”,
have the same meanings as in section 217A.

Textual Amendments

F42 Ss. 217A-217C inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 5](#)

217C Alteration of review arrangements

- (1) Subsections (2) and (3) apply where a court—
- considers the progress report relating to a review under section 217A (the “current review”), and
 - forms the opinion that the offender’s progress in complying with the community order requirements of the community order is satisfactory.
- (2) If the court forms that opinion before a review hearing is held at the current review—
- it may order that no review hearing is to be held at the current review, and
 - it may amend the community order so as to provide for each subsequent review to be held without a review hearing.
- (3) If a review hearing is held at the current review, the court may at the hearing amend the community order so as to provide for each subsequent review to be held without a review hearing.
- (4) If at a review held without a review hearing the court—
- considers the progress report, and
 - forms the opinion that the offender’s progress under the order is no longer satisfactory,
- it may require the offender to attend a hearing of the court at a specified time and place.
- (5) At a review hearing the court may amend the community order so as to vary the intervals specified under section 217A(2)(a).
- (6) The functions of a court under this section that are exercisable in relation to a review without a hearing are to be exercised—
- where the court is the Crown Court, by a judge of the court, and
 - where the court is a magistrates’ court, by a justice of the peace.
- (7) In this section—
“review hearing”, and
“progress report”,
have the same meanings as in section 217A.]

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Textual Amendments

- F42** Ss. 217A-217C inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 5](#)

Breach, revocation or amendment of community order

218 Breach, revocation or amendment of community order

Schedule 10 makes provision about—

- (a) failures to comply with the requirements of community orders;
- (b) revocation of community orders;
- (c) amendment of community orders.

Modifications etc. (not altering text)

- C49** S. 218 applied by 2006 c. 52, s. 178(2) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C50** S. 218 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 7\(5\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C51** S. 218 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 8](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I140** S. 218 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Transferring order to Scotland or Northern Ireland

219 Transfer of community orders to Scotland or Northern Ireland

Schedule 11 makes provision about transfers of community orders to Scotland or Northern Ireland.

Modifications etc. (not altering text)

- C52** S. 219 applied (with modifications) by 2006 c. 52, s. 178(2)(3) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I141** S. 219 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 03/07/2023.

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Community orders: supplementary

220 When a community order ceases to be in force

- (1) A community order ceases to be in force—
 - (a) at the end of the end date (see section 209), or
 - (b) if later, when the offender has completed any unpaid work requirement imposed by the order.
- (2) But a community order ceases to be in force when it is revoked.
- (3) An unpaid work requirement is completed when the offender has worked under it for the number of hours specified in the order.

Modifications etc. (not altering text)

- C53** S. 220 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C54** S. 220 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C55** S. 220 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C56** S. 220(1)(b)(2)(3) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 248(2)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I142** S. 220 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

PART 10

CUSTODIAL SENTENCES

CHAPTER 1

CUSTODY: GENERAL PROVISIONS

Introductory

221 Overview of Part

- (1) This Chapter applies generally for the purposes of determining whether a custodial sentence should be passed and, if so, what its term should be.

In particular—

- (a) section 222 defines “custodial sentence”;

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- (b) sections 227 and 228 make provision about when a custodial sentence is not available or subject to restrictions;
 - (c) section 229 permits a magistrates' court to impose imprisonment for less than the term specified;
 - (d) sections 230 to 232 make provision about how a court should decide whether to impose a custodial sentence and the term of such a sentence.
- (2) Chapter 2 is about the kinds of custodial sentence that are available for an offender aged under 18—
- (a) detention and training orders (sections 233 to 248);
 - (b) sentences of detention under section 250, including life sentences (and see [^{F43}sections 258 and 258A]);
 - [^{F44}(ba) special sentences of detention for terrorist offenders of particular concern (section 252A);]
 - (c) extended sentences of detention (sections 254 to 257);
 - (d) detention during Her Majesty's pleasure for murder etc where the offender is under 18 at the time of the offence (section 259).
- (3) Chapter 3 is about the kinds of custodial sentence that are available for an offender aged 18, 19 or 20—
- (a) sentences of detention in a young offender institution (sections 262 to 271), including—
 - (i) suspended sentences,
 - (ii) special sentences for offenders of particular concern, ^{F45}...
 - (iii) extended sentences; [^{F46}and
 - (iv) serious terrorism sentences,]
 - (b) sentences of custody for life (sections 272 to 276).
- (4) Chapter 4 is about imprisonment in the case of an adult aged at least 21 at the time of conviction, including—
- (a) suspended sentences,
 - (b) special sentences for offenders of particular concern,
 - (c) extended sentences,
 - [^{F47}(ca) serious terrorism sentences,] and
 - (d) imprisonment for life.
- (5) Chapter 5 is about suspended sentences.
- (6) Chapter 6 is about dangerous offenders.
- (7) Chapter 7 is about mandatory minimum sentences.
- (8) Chapter 8 is about life sentences and in particular about when minimum term orders and whole life orders must be passed.
- (9) Chapter 9 contains certain provisions about administration of custodial sentences and includes certain powers and duties of a sentencing court that are relevant to an offender's release from custody.

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Textual Amendments

- F43** Words in s. 221(2)(b) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 3\(3\)](#), [208\(5\)\(b\)](#)
- F44** S. 221(2)(ba) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(7\)](#)
- F45** Word in s. 221(3)(a)(ii) omitted (29.6.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(7\)\(a\)\(i\)](#)
- F46** S. 221(3)(a)(iv) and word inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(7\)\(a\)\(ii\)](#)
- F47** S. 221(4)(ca) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(7\)\(b\)](#)

Commencement Information

- I143** S. 221 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

222 Meaning of “custodial sentence”

(1) In this Code “custodial sentence” means—

- (a) a detention and training order under section 233,
- (b) a sentence of detention under Chapter 2 of this Part,
- (c) a sentence of detention in a young offender institution,
- (d) a sentence of custody for life under section 272 or 275, or
- (e) a sentence of imprisonment.

This is subject to subsection (3).

(2) In subsection (1) “sentence of imprisonment” does not include a committal for contempt of court or any kindred offence.

(3) Subsection (1)—

- (a) does not apply to “custodial sentence” in the following expressions—
 - “appropriate custodial sentence”;
 - “current custodial sentence”;
 - “pre-Code custodial sentence”;
 - “relevant custodial sentence”, and
- (b) is subject to express provision to the contrary.

(4) In this Code, “pre-Code custodial sentence” means—

- (a) a detention and training order imposed under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000,
- (b) a sentence of detention imposed under any of the following (sentences of detention for children)—
 - (i) section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000,
 - (ii) section 53(1) or (3) of the Children and Young Persons Act 1933, or
 - (iii) section 226B or 228 of the Criminal Justice Act 2003,
- (c) a sentence of detention for public protection imposed under section 226 of the Criminal Justice Act 2003, or
- (d) a sentence of custody for life under—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (i) section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000, or
- (ii) section 8 of the Criminal Justice Act 1982.

Commencement Information

I144 S. 222 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

General limits on powers to impose custodial sentences

223 Two year limit on imprisonment for statutory offence if no maximum specified

Where—

- (a) a person is convicted on indictment of an offence under any enactment which is punishable with imprisonment, and
- (b) no enactment—
 - (i) limits the sentence to a specified term, or
 - (ii) expresses it to extend to imprisonment for life,
 the person is liable to imprisonment for not more than 2 years.

Commencement Information

I145 S. 223 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

224 General limit on magistrates' court's power to impose imprisonment or detention in a young offender institution

- (1) A magistrates' court does not have power to impose—
- (a) imprisonment, or
 - (b) detention in a young offender institution,
- [^{F48}for a term exceeding the applicable limit in respect of any one offence].

[^{F49}(1A) The applicable limit is—

- (a) 6 months in the case of a summary offence, or
- (b) [^{F50}6 months] in the case of an offence triable either way.]

- (2) Unless expressly excluded, subsection (1) applies even if the offence in question is one for which a person would otherwise be liable on summary conviction to imprisonment or detention in a young offender institution for [^{F51}a term exceeding the applicable limit].

- (3) Nothing in subsection (1) affects section 133 of the Magistrates' Courts Act 1980 (consecutive terms of imprisonment).

- (4) Subsection (1) does not limit any power of a magistrates' court to impose a term of imprisonment for—
- (a) non-payment of a fine, or
 - (b) want of sufficient goods to satisfy a fine.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (5) In subsection (4)—
- (a) “fine”—
 - (i) includes a pecuniary penalty, but
 - (ii) does not include a pecuniary forfeiture or pecuniary compensation;
 - (b) the reference to want of sufficient goods to satisfy a fine is a reference to circumstances where—
 - (i) there is power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to recover the fine from a person, but
 - (ii) it appears, after an attempt has been made to exercise the power, that the person's goods are insufficient to pay the amount outstanding (as defined by paragraph 50(3) of that Schedule).
- (6) In this section “impose imprisonment” means—
- (a) pass a sentence of imprisonment, or
 - (b) fix a term of imprisonment for—
 - (i) failure to pay any sum of money,
 - (ii) want of sufficient distress to satisfy any sum of money (see section 397(3)), or
 - (iii) failure to do or abstain from doing anything required to be done or left undone.
- (7) Section 132 of the Magistrates' Courts Act 1980 (5 day minimum term) provides for the minimum term of imprisonment that a magistrates' court may impose.

Textual Amendments

- F48** Words in s. 224(1) substituted (14.7.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 13(1)(a)**, 51(4); S.I. 2022/816, regs. 1(2), 3(c)
- F49** S. 224(1A) inserted (14.7.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 13(1)(b)**, 51(4); S.I. 2022/816, regs. 1(2), 3(c)
- F50** Words in s. 224(1A)(b) substituted (30.3.2023) by [The Sentencing Act 2020 \(Magistrates' Court Sentencing Powers\) \(Amendment\) Regulations 2023 \(S.I. 2023/298\)](#), regs. 1(3), 2
- F51** Words in s. 224(2) substituted (14.7.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 13(1)(c)**, 51(4); S.I. 2022/816, regs. 1(2), 3(c)

Commencement Information

- I146** S. 224 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

225 Restriction on consecutive sentences for released prisoners

- (1) A court sentencing a person to a relevant custodial term may not order or direct that the term is to commence on the expiry of any current custodial sentence from which the offender has been released under—
- (a) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall), or
 - (b) Part 2 of the Criminal Justice Act 1991 (early release of prisoners).
- (2) In this section “relevant custodial term” means a term of—
- (a) detention under Chapter 2 of this Part,

Status: Point in time view as at 03/07/2023.

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- (b) detention in a young offender institution (under this Code), or
 - (c) imprisonment.
- (3) In this section, “current custodial sentence” means a sentence that has not yet expired which is—
- (a) a sentence of imprisonment,
 - (b) a sentence of detention in a young offender institution, or
 - (c) a sentence of detention imposed under any of the following—
 - (i) section 250,
 - [^{F52}(ia) section 252A,]
 - (ii) section 254 (including one passed as a result of section 221A of the Armed Forces Act 2006),
 - (iii) section 226B or 228 of the Criminal Justice Act 2003 (including one passed as a result of section 221A or 222 of the Armed Forces Act 2006),
 - (iv) section 91 of the Powers of Criminal Courts (Sentencing) Act 2000,
 - (v) section 53(3) of the Children and Young Persons Act 1933,
 - (vi) section 209 of the Armed Forces Act 2006, or
 - (vii) section 71A(4) of the Army Act 1955 or the Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957.

Textual Amendments

F52 S. 225(3)(c)(ia) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(8\)](#)

Commencement Information

I147 S. 225 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

226 Custodial sentence: restrictions in certain cases where offender not legally represented

- (1) This section applies where—
- (a) a magistrates' court is dealing with an offender on summary conviction, or
 - (b) the Crown Court is dealing with an offender—
 - (i) on committal for sentence, or
 - (ii) on conviction on indictment.

Offenders aged under 21

- (2) The court may not—
- (a) make a detention and training order,
 - (b) pass a sentence of detention under section 250 (or 254) [^{F53}, under section 252A] or under section 259 (offenders under 18),
 - (c) pass a sentence of detention in a young offender institution, or
 - (d) pass a sentence of custody for life (see sections 272 and 275),
- unless the offender is legally represented in that court, or has failed, or is ineligible on financial grounds, to benefit from relevant representation (see subsections (7) and (8)).

Status: Point in time view as at 03/07/2023.

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Offenders aged 21 or over

- (3) The court may not pass a sentence of imprisonment unless—
- (a) the offender—
 - (i) is legally represented in that court, or
 - (ii) has failed, or is ineligible on financial grounds, to benefit from relevant representation (see subsections (7) and (8)), or
 - (b) the offender has previously been sentenced to imprisonment by a court in any part of the United Kingdom.
- (4) For the purposes of subsection (3) a previous sentence of imprisonment which has been suspended and which has not taken effect under—
- (a) paragraph 8 of Schedule 16,
 - (b) paragraph 8 of Schedule 12 to the Criminal Justice Act 2003,
 - (c) section 119 of the Powers of Criminal Courts (Sentencing) Act 2000, or
 - (d) section 19 of the Treatment of Offenders Act (Northern Ireland) 1968,
- is to be disregarded.
- (5) For those purposes, “sentence of imprisonment” does not include a committal for contempt of court or any kindred offence (and “sentenced to imprisonment” is to be read accordingly).

When a person is legally represented

- (6) For the purposes of this section an offender is legally represented in a court if the offender has the assistance of counsel or a solicitor to represent him or her in the proceedings in that court at some time after being found guilty and before being sentenced.

Relevant representation: failure or ineligibility to benefit

- (7) For the purposes of subsections (2) and (3), “relevant representation”, in relation to proceedings in a court, means representation under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid) for the purposes of the proceedings.
- (8) For those purposes, an offender has failed, or is ineligible on financial grounds, to benefit from relevant representation if—
- (a) the offender has refused or failed to apply for relevant representation, having—
 - (i) been informed of the right to apply for it, and
 - (ii) had the opportunity to do so,
 - (b) the offender's application for relevant representation was refused on financial grounds, or
 - (c) relevant representation was made available to the offender but withdrawn—
 - (i) because of the offender's conduct, or
 - (ii) on financial grounds.

Relevant representation is refused or withdrawn on financial grounds if it appears that the offender's financial resources are such that the offender is not eligible for such representation.

Status: Point in time view as at 03/07/2023.

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Textual Amendments

F53 Words in s. 226(2)(b) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(9\)](#)

Commencement Information

I148 S. 226 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

227 Restriction on imposing imprisonment on persons under 21

Sentence of imprisonment

- (1) No court may pass a sentence of imprisonment on an offender for an offence if the offender is aged under 21 when convicted of the offence.

Committal to prison

- (2) No court may commit a person who is aged under 21 to prison for any reason, except as provided by subsection (3).
- (3) Subsection (2) does not prevent the committal to prison of a person aged under 21 who is—
- (a) remanded in custody,
 - (b) committed in custody for sentence, or
 - (c) sent in custody for trial under section 51 or 51A of the Crime and Disorder Act 1998.

Commencement Information

I149 S. 227 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

228 Other restrictions on custodial sentence

Custodial sentence not indicated in indication of sentence

- (1) For restrictions on a custodial sentence where the case is dealt with under section 20(7) of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable and indication of sentence is given), see section 20A(1) of that Act (restriction where indication of sentence does not indicate custodial sentence).

Hospital order or guardianship order

- (2) For restrictions on a custodial sentence where a hospital order or guardianship order is made, see section 37(8) of the Mental Health Act 1983.

Commencement Information

I150 S. 228 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Power of magistrates' court to imprison for less than specified term

229 Power of magistrates' court to imprison for less than specified term

- (1) Where a magistrates' court has power to sentence an offender to imprisonment for a period specified by an enactment (whether passed or made before or after this Act), the court may sentence the offender to imprisonment for less than that period.
- (2) This is subject to—
 - (a) section 132 of the Magistrates' Courts Act 1980 (5 day minimum term);
 - (b) express provision to the contrary in an Act passed after 31 December 1879.
- (3) In this section “enactment” includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

Commencement Information

1151 S. 229 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Exercise of powers to impose discretionary custodial sentences

230 Threshold for imposing discretionary custodial sentence

- (1) Subsection (2) applies where a person is convicted of an offence which is punishable with a custodial sentence.

This is subject to subsection (3).

- (2) The court must not pass a custodial sentence unless it is of the opinion that—
 - (a) the offence, or
 - (b) the combination of the offence and one or more offences associated with it,was so serious that neither a fine alone nor a community sentence can be justified for the offence.

Threshold generally not applicable where mandatory sentence requirement applies

- (3) This section does not apply if the offence is one in relation to which a mandatory sentence requirement applies (see section 399), except as provided in sections 273(4) and 283(4) (pre-condition for life sentence for second listed offence).

Exceptions to subsection (2) relating to community sentences

- (4) Nothing in subsection (2) prevents the court from passing a custodial sentence on the offender if the offender fails to express willingness to comply with a requirement—
 - (a) which the court proposes to include in a community order, but
 - (b) which may be included only if the offender expresses willingness to comply with it.
- (5) Subsection (2) is also subject to—
 - (a) paragraph 11(3) of Schedule 7 (power to impose custodial sentence in case involving wilful and persistent breach of youth rehabilitation order with intensive supervision and surveillance);

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- (b) paragraph 22(5)(b) of Schedule 9 (power to deal with offender who does not express willingness to comply with amended drug rehabilitation requirement);
- (c) paragraph 10(9) of Schedule 10 (power of magistrates' court to impose custodial sentence following wilful and persistent breach of community order);
- (d) paragraph 11(6) of that Schedule (corresponding power of Crown Court);
- (e) paragraph 18(9)(b) of that Schedule (power to deal with offender who does not express willingness to comply with amended treatment requirement).

Procedure for forming opinion

- (6) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated or offence or offences, including any aggravating or mitigating factors.
- (7) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.
- (8) See also—
 - (a) section 77(2) (effect of mitigation: community sentence not precluded even if threshold for custodial sentence met);
 - (b) section 232 (additional requirements for offender suffering from mental disorder).

Modifications etc. (not altering text)

- C57** S. 230(2) excluded by 2000 c. 6, Sch. 5 para. 2(5)(b) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 170\(4\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C58** S. 230(2) excluded by 2000 c. 6, Sch. 5 para. 3(3)(b) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 170\(4\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

Commencement Information

- I152** S. 230 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

231 Length of discretionary custodial sentences: general provision

- (1) Subsection (2) applies where a court passes a custodial sentence in respect of an offence.

This is subject to subsections (3) to (6).

- (2) The custodial sentence must be for the shortest term (not exceeding the permitted maximum) that in the opinion of the court is commensurate with the seriousness of—
 - (a) the offence, or
 - (b) the combination of the offence and one or more offences associated with it.

Application of subsection (2) to ^{F54}certain sentences]

- (3) Subsection (2) does not apply where the sentence is—
 - (a) fixed by law, or
 - (b) a required life sentence,

Status: Point in time view as at 03/07/2023.

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except as provided in sections 273(4) and 283(4) (pre-condition for life sentence for second listed offence).

(4) In subsection (3), “required life sentence” means a sentence of—

- (a) detention for life under section 250,
- (b) custody for life under section 272, or
- (c) imprisonment for life,

required under a provision mentioned in section 399(b) (mandatory sentences).

(5) Subsection (2) is subject to the provisions mentioned in section 399(c) (minimum sentences).

(6) Subsection (2) does not apply where the custodial sentence is an extended sentence, except as provided in sections 256(2), 268(2) and 281(2) (determination of appropriate custodial term).

[^{F55}(6A) Subsection (2) does not apply where the custodial sentence is a serious terrorism sentence, except as provided in sections 268C(2)(b) and 282C(2)(b) (determination of appropriate custodial period where longer than the 14-year minimum).]

Procedure for forming opinion

(7) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

(8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion, except where the sentence is an extended sentence.

(9) See section 232 for additional requirements in the case of an offender suffering from a mental disorder.

Textual Amendments

F54 Words in s. 231(3) heading substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(8\)\(a\)](#)

F55 S. 231(6A) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(8\)\(b\)](#)

Commencement Information

I153 S. 231 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

232 Additional requirements in case of offender suffering from mental disorder

(1) This section applies where—

- (a) the offender is or appears to be suffering from a mental disorder, and
- (b) the court passes a custodial sentence other than one fixed by law (“the sentence”).

(2) Before passing the sentence, the court must obtain and consider a medical report unless, in the circumstances of the case, it considers that it is unnecessary to obtain a medical report.

Status: Point in time view as at 03/07/2023.

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- (3) Before passing the sentence, the court must consider—
- (a) any information before it which relates to the offender's mental condition (whether given in a medical report, a pre-sentence report or otherwise), and
 - (b) the likely effect of such a sentence on that condition and on any treatment which may be available for it.
- (4) If the court did not obtain a medical report where required to do so by this section, the sentence is not invalidated by the fact that it did not do so.
- (5) Any court, on an appeal against the sentence, must—
- (a) obtain a medical report if none was obtained by the court below, and
 - (b) consider any such report obtained by it or by that court.
- (6) In this section—
- “medical report” means a report as to an offender's mental condition made or submitted orally or in writing by a registered medical practitioner who is approved for the purposes of section 12 of the Mental Health Act 1983—
- (a) by the Secretary of State, or
 - (b) by another person by virtue of section 12ZA or 12ZB of that Act,
- as having special experience in the diagnosis or treatment of mental disorder;
- “mental disorder” has the same meaning as in the Mental Health Act 1983.
- (7) Nothing in this section is to be taken to limit—
- (a) the pre-sentence report requirements (see section 30), or
 - (b) any requirement for a court to take into account all information that is available to it about the circumstances of any offence, including any aggravating or mitigating factors.

Commencement Information

I154 S. 232 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

CHAPTER 2

OFFENDERS AGED UNDER 18

Detention and training orders

233 Detention and training order

A detention and training order in respect of an offender is an order that the offender is subject, for the term specified in the order, to a period of detention and training followed by a period of supervision.

Commencement Information

I155 S. 233 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

234 Detention and training order: availability

- (1) A detention and training order is available where a court is dealing with an offender for an offence if—
 - (a) the offender is aged under 18, but at least 12, when convicted,
 - (b) the offence is an imprisonable offence, and
 - (c) the court is not required to pass—
 - (i) a sentence of detention under section 250 (see section 249(2)),
[^{F56}(ia) a sentence of detention under section 252A,] or
 - (ii) a sentence of detention during Her Majesty's pleasure under section 259.
- (2) For circumstances in which the court is required to impose a detention and training order, see—
 - (a) section 312 (minimum sentence for offences of threatening with weapon or bladed article);
 - (b) section 315 (minimum sentence for repeat offence involving weapon [^{F57}or corrosive substance] or bladed article).

Textual Amendments

- F56** S. 234(1)(c)(ia) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 26(10)**
- F57** Words in s. 234(2)(b) inserted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 83(b)** (with Sch. 27); S.I. 2022/415, reg. 2

Commencement Information

- I156** S. 234 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

235 Exercise of power to make a detention and training order

- (1) This section applies where a detention and training order is available.
- (2) The court may not make a detention and training order if it imposes—
 - (a) a sentence of detention under section 250, or
 - (b) an extended sentence of detention under section 254,in respect of the offence.
- (3) If the offender is aged under 15 when convicted the court may not make a detention and training order unless it is of the opinion that the offender is a persistent offender.
- (4) The court's power to make a detention and training order is subject to (in particular) section 230 (threshold for imposing discretionary custodial sentence).

Commencement Information

- I157** S. 235 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Status: Point in time view as at 03/07/2023.

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236 Term of detention and training order

- (1) The term of a detention and training order made in respect of an offence (whether by a magistrates' court or otherwise) must be [^{F58}at least 4 months but must not exceed 24 months].

This is subject to subsection (2).

- (2) The term of a detention and training order in respect of an offence may not exceed—
- (a) in the case of a summary offence, the maximum sentence of imprisonment that could be imposed (in the case of an offender aged 21 or over) for the offence;
 - (b) in the case of any other offence, the maximum term of imprisonment that the Crown Court could impose (in the case of an offender aged 21 or over) for the offence.
- (3) Section 231 (length of discretionary custodial sentences: general provision), in particular, applies in determining the term of a detention and training order.
- (4) A detention and training order takes effect at the beginning of the day on which it is made, unless the court orders otherwise under section 237.

Textual Amendments

F58 Words in s. 236(1) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 158, 208(5)(t)

Commencement Information

I158 S. 236 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

237 Making of order where offender subject to other order or sentence of detention

- (1) This section applies where a court makes a detention and training order.
- (2) The court may order that the term of the detention and training order is to take effect on the expiry of any other detention and training order which it imposes on the same occasion.

This is subject to section 238(1).

- (3) If the offender—
- (a) is subject to another relevant detention and training order (“the existing order”), and
 - (b) has not at any time been released for supervision under the existing order,
- the court may order that the detention and training order is to take effect on the expiry of the existing order.

This is subject to section 238(1).

- (4) If the offender—
- (a) is subject to a relevant sentence of detention (see section 248), and
 - (b) has not at any time been released under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release on licence of fixed-term prisoners),
- the court may order that the detention and training order is to take effect at the time when the offender would otherwise be released under that Chapter.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

^{F59}(5)

- (6) If the offender is subject to a further period of detention imposed—
- (a) under paragraph 3(2)(a) of Schedule 12 (breach of supervision requirement of existing detention and training order),
 - (b) under section 104(3)(a) of the Powers of Criminal Courts (Sentencing) Act 2000, or
 - (c) under either of those provisions by virtue section 213 of the Armed Forces Act 2006,

the court may order that the detention and training order is to take effect at the end of the further period of detention.

Textual Amendments

F59 S. 237(5) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 159\(1\)](#), [208\(5\)\(t\)](#)

Modifications etc. (not altering text)

C59 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

C60 Ss. 237-240 modified by 2006 c. 52, s. 213(2)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

I159 S. 237 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

238 Offender subject to more than one order: maximum overall term

- (1) A court may not make a detention and training order as a result of which the offender would be subject to relevant detention and training orders for a term exceeding 24 months.
- (2) Where—
- (a) a court makes a detention and training order, and
 - (b) the term of the relevant detention and training orders to which the offender would otherwise be subject exceeds 24 months,
- the excess is to be treated as remitted.
- (3) Where—
- (a) a court makes a detention and training order, and
 - (b) as a result the offender is subject to two or more relevant detention and training orders,
- the terms of those orders are to be treated for the purposes of sections 241 to 243 and 247 and Schedule 12 as a single term.
- (4) See section 248 for the meaning of “relevant detention and training order”.

Status: Point in time view as at 03/07/2023.

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Modifications etc. (not altering text)

- C59** Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C60** Ss. 237-240 modified by 2006 c. 52, s. 213(2)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C61** S. 238(3) applied by 2006 c. 52, s. 215 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 35](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

Commencement Information

- I160** S. 238 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

^{F60} 239 Period on remand etc: effect on term of detention and training order

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Textual Amendments

- F60** S. 239 omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 16 para. 6](#)

^{F61} 240 Period of custody awaiting extradition: effect on term of detention and training order

.....

Textual Amendments

- F61** S. 240 omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 16 para. 6](#)

241 The period of detention and training

- (1) An offender must serve the period of detention and training under a detention and training order in such youth detention accommodation as may be determined by the Secretary of State.

Release at half-way point

- (2) Subject to subsections (3) to (5), the period of detention and training under a detention and training order is half of the term of the order.

Early release on compassionate grounds

- (3) The Secretary of State may release the offender at any time if satisfied that exceptional circumstances exist which justify the offender's release on compassionate grounds.

Release before half-way point

- (4) The Secretary of State may release the offender—

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- (a) in the case of an order for a term of—
 - (i) 8 months or more, but
 - (ii) less than 18 months,at any time during the period of 1 month ending with the half-way point of the term of the order, and
- (b) in the case of an order for a term of 18 months or more, at any time during the period of 2 months ending with that point.

Release after half-way point

- (5) If a youth court so orders on an application made by the Secretary of State for the purpose, the Secretary of State must release the offender—
 - (a) in the case of an order for a term of—
 - (i) 8 months or more, but
 - (ii) less than 18 months,1 month after the half-way point of the term of the order, and
 - (b) in the case of an order for a term of 18 months or more, 1 month or 2 months after that point.

[^{F62}Consecutive detention and training order and sentence of detention

- (5A) Where the offender is also subject to a sentence of any of the following kinds that is to take effect, by virtue of an order to which subsection (7) applies, when the offender would otherwise be released for supervision—
 - (a) a sentence of detention under section 250 or 252A,
 - (b) a sentence of detention under section 209 or 224A of the Armed Forces Act 2006, or
 - (c) an extended sentence of detention under section 254 (including one passed as a result of section 221A of the Armed Forces Act 2006),subsection (4) is to be read as if, instead of conferring a power to release the offender, it conferred a power to determine that the Secretary of State would, but for the sentence concerned, have released the offender.]
- (6) Where—
 - (a) the court makes an order under subsection (5), and
 - (b) the offender is also subject to a sentence of any of the following kinds that is to take effect, by virtue of an order to which subsection (7) applies, when the offender would otherwise be released for supervision—
 - (i) a sentence of detention under section 250,
 - [^{F63}(ia) a sentence of detention under section 252A,]
 - (ii) a sentence of detention under section 209 of the Armed Forces Act 2006, or
 - (iii) an extended sentence of detention under section 254 (including one passed as a result of section 221A of the Armed Forces Act 2006),the order under subsection (5) must be expressed as an order that the period of detention and training attributable to the detention and training order is to end at the time determined under that subsection.

Status: Point in time view as at 03/07/2023.

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- (7) This subsection applies to orders under the following provisions (which provide for sentences of detention to take effect when an offender is released for supervision under a detention and training order)—
- (a) section 253(2) (offender under 18: sentence of detention to take effect on release for supervision under detention and training order),
 - (b) section 257(2) (offender under 18: extended sentence of detention), or
 - (c) any corresponding provision relating to an order under section 209 of, or made as a result of section 221A of, the Armed Forces Act 2006.

Detention to be legal custody

- (8) An offender detained under a detention and training order is deemed to be in legal custody.

Textual Amendments

- F62** S. 241(5A) and cross-heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 159\(2\)](#), [208\(5\)\(t\)](#)
- F63** S. 241(6)(b)(ia) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [s. 50\(1\)\(i\)](#), [Sch. 13 para. 26\(11\)](#)

Modifications etc. (not altering text)

- C59** Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 25 para. 33\(2\)](#) (with [s. 416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))
- C62** S. 241 applied (with modifications) by 1997 c. 43, Sch. 1 para. 8 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 24 para. 149\(3\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))
- C63** S. 241 applied (with modifications) by 1997 c. 43, Sch. 1 para. 9 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 24 para. 149\(4\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

- I161** S. 241 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

242 The period of supervision

- (1) The period of supervision of an offender who is subject to a detention and training order—
- (a) begins when the offender is released for supervision (whether at the half-way point of the term of the order or otherwise), and
 - (b) ends when the term of the order ends.
- (2) During the period of supervision, the offender—
- (a) is to be under the supervision of—
 - (i) an officer of a provider of probation services, or
 - (ii) a member of a youth offending team, and
 - (b) may be required to comply with particular requirements.
- (3) Any such requirements, and the category of person to supervise the offender, are to be determined from time to time by the Secretary of State.
- (4) The offender must be notified by the Secretary of State of—
- (a) the category of person responsible for the offender's supervision, and

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- (b) any requirements with which the offender must comply.
- (5) A notice under subsection (4) must be given to the offender—
 - (a) before the period of supervision begins, and
 - (b) before any change in the matters mentioned in that subsection.
- (6) Where the supervision is to be provided by an officer of a provider of probation services, the officer must be an officer acting in the local justice area within which the offender resides for the time being.
- (7) Where the supervision is to be provided by a member of a youth offending team, the member must be a member of a youth offending team established by the local authority in whose area the offender resides for the time being.

Modifications etc. (not altering text)

C59 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

C64 S. 242 applied (with modifications) by 1997 c. 43, Sch. 1 para. 9 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(4\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

C65 S. 242 applied (with modifications) by 1997 c. 43, Sch. 1 para. 8 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(3\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

I162 S. 242 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

243 Breach of supervision requirement and further offences during order

Schedule 12 makes provision about—

- (a) breach of supervision requirements imposed under a detention and training order etc, and
- (b) offences committed during the term of a detention and training order.

Modifications etc. (not altering text)

C59 Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

I163 S. 243 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

244 Offender subject concurrently to detention and training order and sentence of detention in a young offender institution

- (1) This section applies where an offender is subject concurrently—
 - (a) to a relevant detention and training order (see section 248), and
 - (b) to a sentence of detention in a young offender institution,at least one of which is imposed in respect of an offence of which the offender was convicted on or after [^{F64}1 December 2020].

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (2) The offender is to be treated for the purposes of the following provisions as if subject only to the sentence of detention in a young offender institution—
- (a) sections 241 to 243 and Schedule 12 (periods of detention and training and supervision, breach of supervision requirements and further offences);
 - (b) section 271 (detention in a young offender institution: place of detention);
 - (c) [^{F65}with the exception of sections 240ZA and 240A,] Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall).

This is subject to subsection (3).

- (3) Nothing in subsection (2) requires the offender to be released in respect of either the order or the sentence unless and until the offender is required to be released in respect of each of them.
- (4) In subsection (1), “sentence of detention in a young offender institution” includes any sentence of detention in a young offender institution, whether imposed under this Code or otherwise.
- (5) Subsection (2) has effect in relation to an order or sentence imposed in respect of an offence of which the offender was convicted before [^{F66}1 December 2020] as if the provisions referred to in paragraphs (a) to (c) included the provisions referred to in section 106(4) of the Powers of Criminal Courts (Sentencing) Act 2000 (interaction of detention and training orders with sentences of detention in a young offender institution).

Textual Amendments

- F64** Words in s. 244(1) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, **4(3)**
- F65** Words in s. 244(2)(c) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), **Sch. 16 para. 7**
- F66** Words in s. 244(5) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, **4(3)**

Modifications etc. (not altering text)

- C59** Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 33(2)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I164** S. 244 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

245 Offender subject concurrently to detention and training order and other sentence of detention

- (1) This section applies where an offender is subject concurrently to—
- (a) a relevant detention and training order, and
 - (b) a relevant sentence of detention,

at least one of which is imposed in respect of an offence of which the offender was convicted on or after [^{F67}1 December 2020].

(See section 248 for the meaning of “relevant detention and training order” and “relevant sentence of detention”.)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (2) The offender is to be treated as if subject only to the relevant sentence of detention for the purposes of the following provisions—
- (a) sections 241 to 243 and Schedule 12 (periods of detention and training and supervision, breach of supervision requirements and further offences);
 - (b) section 260 and section 261 (place of detention);
 - (c) [^{F68}with the exception of sections 240ZA and 240A,] Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release and supervision following release);
 - (d) section 210 of the Armed Forces Act 2006 (place of detention etc);
 - (e) section 214 of the Armed Forces Act 2006 (offences committed during a detention and training order under that Act).

This is subject to subsection (3).

- (3) Nothing in subsection (2) requires the offender to be released in respect of either the order or the sentence unless and until the offender is required to be released in respect of each of them.
- (4) Subsection (2) has effect in relation to a relevant detention and training order or relevant sentence of detention that is imposed in respect of an offence of which the offender was convicted before [^{F69}1 December 2020] as if the provisions referred to in paragraphs (a) to (e) included the provisions referred to in section 106A(8) of the Powers of Criminal Courts (Sentencing) Act 2000.

Textual Amendments

- F67** Words in s. 245(1) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, [4\(4\)](#)
- F68** Words in s. 245(2)(c) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 16 para. 8](#)
- F69** Words in s. 245(4) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, [4\(4\)](#)

Modifications etc. (not altering text)

- C59** Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

Commencement Information

- I165** S. 245 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

246 Effect of detention and training order made where offender has reached 18

- (1) This section applies where—
- (a) a court has power, by virtue of any enactment, to deal with a person for an offence in any way in which—
 - (i) a court could have dealt with the person on a previous occasion, or
 - (ii) a court could deal with the person if the person were the same age as when convicted,
 - (b) in exercise of the power, the court makes a detention and training order for any term, and
 - (c) the person has reached the age of 18.

Status: Point in time view as at 03/07/2023.

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- (2) The person is to be treated as if sentenced to detention in a young offender institution for the same term.

Modifications etc. (not altering text)

- C59** Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C66** S. 246 modified by 2006 c. 52, s. 213(2)(b) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I166** S. 246 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

247 Further supervision after end of term of detention and training order

- (1) This section applies where a detention and training order is made in respect of an offender if—
- (a) the offender is aged 18 or over at the half-way point of the term of the order,
 - (b) the term of the order is less than 24 months, and
 - (c) the order was imposed in respect of an offence committed on or after 1 February 2015.
- (2) The following provisions of the Criminal Justice Act 2003 (which relate to supervision after end of sentence) apply as they apply in cases described in section 256AA(1) of that Act—
- (a) sections 256AA(2) to (11), 256AB and 256AC,
 - (b) sections 256D and 256E, and
 - (c) Schedule 19A,
- but with the following modifications.
- (3) “The supervision period”, in relation to the offender, is the period which—
- (a) begins on the expiry of the term of the detention and training order, and
 - (b) ends on the expiry of the period of 12 months beginning immediately after the half-way point of the term of the order.
- (4) “The supervisor”, in relation to the offender, must be—
- (a) an officer of a provider of probation services, or
 - (b) a member of a youth offending team established by the local authority in whose area the offender resides for the time being.
- (5) The power in section 256AB(4) of the Criminal Justice Act 2003 (power of Secretary of State to amend requirements that may be imposed) includes power—
- (a) to make provision about the supervision requirements that may be imposed under section 256AA of that Act as applied by this section, and
 - (b) to amend any provision of the Powers of Criminal Courts (Sentencing) Act 2000 or any provision of this Code derived from that Act.
- (6) Subsection (7) applies where the term of the detention and training order is determined by section 238(3) (offender subject to two or more detention and training orders).

Status: Point in time view as at 03/07/2023.

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- (7) The offender is subject to supervision under section 256AA of the Criminal Justice Act 2003 (as applied by this section) if that section (as applied) so requires in respect of one or more of the detention and training orders.
- (8) For the purposes of subsection (1), where an offence is found to have been committed—
- (a) over a period of 2 or more days, or
 - (b) at some time during a period of 2 or more days,
- it is taken to have been committed on the last of those days.

Modifications etc. (not altering text)

- C59** Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C67** S. 247 applied (with modifications) by 1997 c. 43, Sch. 1 para. 9 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(4\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C68** S. 247 applied (with modifications) by 1997 c. 43, Sch. 1 para. 8 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(3\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

- I167** S. 247 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

248 Detention and training orders: interpretation

- (1) In section 241 and Schedule 12 “youth detention accommodation” means—
- (a) a secure training centre,
 - (b) a secure college,
 - [^{F70}(ba) a secure 16 to 19 Academy,]
 - (c) a young offender institution,
 - (d) accommodation provided by or on behalf of a local authority for the purpose of restricting the liberty of children and young persons,
 - (e) accommodation provided for that purpose under section 82(5) of the Children Act 1989 (financial support by the Secretary of State), or
 - (f) such other accommodation or descriptions of accommodation as the Secretary of State may specify by regulations.
- (2) In sections 241, 242 and 247 and in Schedule 12, references to the term of a detention and training order are to be read in accordance with section 238(3).
- (3) In sections 237, 238, 244 and 245 and Schedule 12, “relevant detention and training order” means—
- (a) a detention and training order under section 233,
 - (b) an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act), or
 - (c) an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training order: offender convicted before Code comes into force).
- (4) In sections 237 and 245, “relevant sentence of detention” means—
- (a) a sentence of detention under section 250,

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- [^{F71}(aa) a sentence of detention under section 252A,]
- (b) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences: power to detain for specified period),
 - (c) a sentence of detention under section 209 of the Armed Forces Act 2006 (whether passed before or after this Code comes into force),
 - (d) an extended sentence of detention under section 254, including one passed as a result of section 221A of the Armed Forces Act 2006, or
 - (e) a sentence under section 226B or 228 of the Criminal Justice Act 2003 (extended sentence of detention: offenders aged under 18 convicted before this Code comes into force), including one passed as a result of section 221A or 222 of the Armed Forces Act 2006.
- (5) For the purposes of this Code, an offender who is subject to a detention and training order or an order mentioned in subsection (3)(b) or (c) is released for supervision when released by virtue of—
- (a) section 241(2), (3), (4) or (5), or
 - (b) in the case of an order to which section 102 of the Powers of Criminal Courts (Sentencing) Act 2000 (the “2000 Act”) applies (including one made under section 211 of the Armed Forces Act 2006), subsection (2), (3), (4) or (5) of section 102 of the 2000 Act.
- (6) Regulations under subsection (1)(f) are subject to the affirmative resolution procedure.
- (7) Subsection (4) of section 407 (general powers to make provision in regulations) does not apply to the power conferred by subsection (1)(f).

Textual Amendments

- F70** S. 248(1)(ba) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 164\(3\)](#), [208\(4\)\(t\)](#)
- F71** S. 248(4)(aa) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(12\)](#)

Modifications etc. (not altering text)

- C59** Ss. 237-248 modified by 2006 c. 52, s. 213(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

Commencement Information

- I168** S. 248 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Detention for specified period

249 Sentence of detention under section 250: availability

- (1) A sentence of detention under section 250 is available where a person aged under 18 is convicted on indictment of an offence listed in the following table [^{F72}(but the court is not required to pass a sentence of detention under section 252A)]—

Offences punishable with imprisonment for at least 14 years

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (a) an offence which—
- (i) is not an offence for which the sentence is fixed by law, and
 - (ii) is punishable in the case of a person aged 21 or over with imprisonment for 14 years or more;

Sexual offences

- (b) an offence under any of the following provisions of the Sexual Offences Act 2003—
- (i) section 3 (sexual assault);
 - (ii) section 13 (child sex offences committed by children or young persons);
 - (iii) section 25 (sexual activity with a child family member);
 - (iv) section 26 (inciting a child family member to engage in sexual activity);

Offences related to firearms

- (c) an offence (other than one within paragraph (a)) which—
- (i) is listed in Schedule 20 (firearms offences to which minimum sentence applies), and
 - (ii) was committed when the offender was aged 16 or over.

(2) For circumstances in which a court is required to impose a sentence of detention under section 250, see—

- (a) [F73 sections 258 and 258A] (required sentence of detention for life);
- (b) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).

(3) Where an offence is found to have been committed—

- (a) over a period of 2 or more days, or
- (b) at some time during a period of 2 or more days,

it is to be taken for the purposes of paragraph (c)(ii) of the table in subsection (1) to have been committed on the last of those days.

Textual Amendments

F72 Words in s. 249(1) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 26(13)**

F73 Words in s. 249(2)(a) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 3(4), 208(5)(b)**

Modifications etc. (not altering text)

C69 S. 249: power to exclude conferred by 1988 c. 45, **s. 1(4B)** (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 94(3)** (with **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

I169 S. 249 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

250 Sentence of detention: offender convicted of certain serious offences

A sentence of detention under this section is a sentence requiring the offender to be detained for the period specified in the sentence.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I170 S. 250 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

251 Exercise of power to impose sentence of detention under section 250

- (1) Subsection (2) applies where a sentence of detention under section 250 is available by virtue of section 249(1).
- (2) The court may impose such a sentence if it is of the opinion that neither a youth rehabilitation order nor a detention and training order is suitable.
- (3) This is subject to (in particular) section 230 (threshold for imposing discretionary custodial sentence) and section 231 (length of discretionary custodial sentences: general provision).

Commencement Information

I171 S. 251 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

252 Maximum sentence

- (1) This section applies where the court imposes a sentence of detention under section 250 by virtue of—
 - (a) section 251, or
 - (b) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).
- (2) The period of detention specified in the sentence must not exceed—
 - (a) the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over, or
 - (b) life, if the offence is punishable with imprisonment for life in the case of a person aged 21 or over.

Commencement Information

I172 S. 252 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

^{F74}Special custodial sentence for terrorist offenders

Textual Amendments

F74 S. 252A and cross-heading inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021](#) (c. 11), [ss. 22\(2\)](#), [50\(1\)\(c\)](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

252A Required special sentence of detention for terrorist offenders of particular concern

- (1) Subsections (3) to (5) apply where—
 - (a) a person aged under 18 is convicted of an offence listed in Part 1 of Schedule 13 (offences involving or connected with terrorism),
 - (b) the offence was committed on or after the day on which section 22 of the Counter-Terrorism and Sentencing Act 2021 came into force,
 - (c) the court does not impose either of the following for the offence (or for an offence associated with it)—
 - (i) a sentence of detention for life under section 250, or
 - (ii) an extended sentence of detention under section 254, and
 - (d) the court would, apart from this section, impose a custodial sentence (see, in particular, section 230(2)).
- (2) In determining for the purposes of subsection (1)(d) whether it would impose a custodial sentence, the court must disregard any restriction on its power to impose such a sentence by reference to the age of the offender.
- (3) The court must impose a sentence of detention under this section.
- (4) The term of the sentence must be equal to the aggregate of—
 - (a) the appropriate custodial term, and
 - (b) a further period of 1 year for which the offender is to be subject to a licence, and must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.
- (5) For the purposes of subsection (4), the “appropriate custodial term” is the term that, in the opinion of the court, ensures that the sentence is appropriate.
- (6) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the last of those days.]

[^{F75}Sentences of detention passed during detention and training order]

Textual Amendments

F75 S. 253 cross-heading inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(14\)](#)

253 Sentence of detention passed on offender subject to detention and training order

- (1) This section applies where a court imposes a sentence of detention under section 250 [^{F76}or 252A] in the case of an offender who is subject to a relevant detention and training order.
- (2) If the offender has not at any time been released for supervision under the relevant detention and training order, the court may order that the sentence of detention is to take effect at the time when the offender would otherwise be released for supervision under the relevant detention and training order (see section 248(5)).

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (3) Otherwise, the sentence of detention takes effect at the beginning of the day on which it is passed.
- (4) In this section “relevant detention and training order” means—
- (a) a detention and training order under section 233,
 - (b) an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act), or
 - (c) an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training order: offender convicted before the commencement of this Act).

Textual Amendments

F76 Words in s. 253(1) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(15\)](#)

Modifications etc. (not altering text)

C70 S. 253 modified by [2006 c. 52, s. 213\(3A\)](#) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

C71 S. 253 modified by [2006 c. 52, s. 213\(2\)\(c\)](#) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

I173 S. 253 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Extended sentences

254 Extended sentence for certain violent, sexual or terrorism offences

An extended sentence of detention under this section is a sentence of detention the term of which is equal to the aggregate of—

- (a) the appropriate custodial term (see section 256), and
- (b) a further period (the “extension period”) for which the offender is to be subject to a licence.

Commencement Information

I174 S. 254 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

255 Extended sentence of detention: availability

- (1) An extended sentence of detention under section 254 is available where a court is dealing with an offender for an offence if—
- (a) the offence—
 - (i) is a specified offence (see section 306(1)), and
 - [^{F77}(ii) is one for which a sentence of detention is available under section 250 or 252A (see the table in section 249(1) and section 252A(1)(a) and (b)),]

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (b) the offender is aged under 18 when convicted,
 - (c) 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 the offender of further specified offences (see section 308),
 - (d) the court is not required by section 258(2) [^{F78}or 258A(2)] to impose a sentence of detention for life under section 250, and
 - (e) if the court were to impose an extended sentence, the term that it would specify as the appropriate custodial term (see section 256) would be at least 4 years.
- (2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion referred to in subsection (1)(c).

Textual Amendments

- F77** S. 255(1)(a)(ii) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), s. 50\(1\)\(i\)](#), [Sch. 13 para. 26\(16\)](#)
- F78** Words in s. 255(1)(d) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 3\(5\), 208\(5\)\(b\)](#)

Commencement Information

- I175** S. 255 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

256 Term of extended sentence of detention under section 254

- (1) This section applies where a court is determining—
- (a) the appropriate custodial term, and
 - (b) the extension period,
- of an extended sentence of detention under section 254 to be imposed on an offender in respect of an offence.
- (2) The appropriate custodial term is the term of detention that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences: general provision) if the court did not impose an extended sentence.
- (3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.

This is subject to subsections (4) and (5).

- (4) The extension period must—
- (a) be at least 1 year, and
 - (b) not exceed—
 - (i) 5 years in the case of a specified violent offence [^{F79}(unless sub-paragraph (iii) applies)];
 - (ii) 8 years in the case of a specified sexual offence or a specified terrorism offence [^{F80}(unless sub-paragraph (iii) applies)];
 - [^{F81}(iii) 10 years in the case of a serious terrorism offence for which the sentence is imposed on or after the day on which section 16 of the Counter-Terrorism and Sentencing Act 2021 comes into force.]

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

See section 306(2) for the meanings of “specified violent offence”, “specified sexual offence” [F82 and “specified terrorism offence”][F82, “specified terrorism offence” and “serious terrorism offence”].

- (5) The term of the extended sentence of detention under section 254 must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

Textual Amendments

- F79** Words in s. 256(4)(b)(i) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 16(2)(a)**, 50(2)(i)(3)(d)
- F80** Words in s. 256(4)(b)(ii) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 16(2)(b)**, 50(2)(i)(3)(d)
- F81** S. 256(4)(b)(iii) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 16(2)(c)**, 50(2)(i)(3)(d)
- F82** Words in s. 256(4) substituted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 16(3)**, 50(2)(i)(3)(d)

Modifications etc. (not altering text)

- C72** S. 256(2)-(5) applied (with modifications) by 2006 c. 52, s. 221A(3)(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 42(3)** (with s. 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2)

Commencement Information

- I176** S. 256 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

257 Extended sentence under section 254 where offender subject to detention and training order

- (1) This section applies where the court imposes an extended sentence of detention under section 254 in the case of an offender who is subject to a relevant detention and training order.
- (2) If the offender has not at any time been released for supervision under the relevant detention and training order, the court may order that the extended sentence of detention is to take effect at the time when the offender would otherwise be released for supervision under the relevant detention and training order (see section 248(5)).
- (3) Otherwise, the extended sentence of detention takes effect at the beginning of the day on which it is passed.
- (4) In this section “relevant detention and training order” means—
- (a) a detention and training order under section 233,
 - (b) an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act), or
 - (c) an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training order: offender convicted before the commencement of this Act).

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- C73** S. 257 modified by 2006 c. 52, s. 213(2)(c) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C74** S. 257 modified by 2006 c. 52, s. 213(3B) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

- I177** S. 257 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Detention for life etc

258 Required sentence of detention for life for offence carrying life sentence

- (1) This section applies where—
- (a) a person aged under 18 is convicted of a Schedule 19 offence (see section 307),
 - (b) the court considers that the seriousness of—
 - (i) the offence, or
 - (ii) the offence and one or more offences associated with it,is such as to justify the imposition of a sentence of detention for life, and
 - (c) 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 the offender of further specified offences (see sections 306(1) and 308).
- (2) The court must impose a sentence of detention for life under section 250.
- (3) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).
- (4) 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.

Modifications etc. (not altering text)

- C75** S. 258(2) applied (with modifications) by 2006 c. 52, s. 221(2)(3)(6) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 41\(3\)\(4\)\(6\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

- I178** S. 258 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

[^{F83}258A Required sentence of detention for life for manslaughter of emergency worker

- (1) This section applies where—
- (a) a person aged under 18 is convicted of a relevant offence,
 - (b) the offence was committed—
 - (i) when the person was aged 16 or over, and
 - (ii) on or after the relevant commencement date, and

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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) the offence was committed against an emergency worker acting in the exercise of functions as such a worker.
- (2) The court must impose a sentence of detention for life under section 250 unless the court is of the opinion that there are exceptional circumstances which—
 - (a) relate to the offence or the offender, and
 - (b) justify not doing so.
- (3) For the purposes of subsection (1)(c) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (4) In this section “relevant offence” means the offence of manslaughter, but does not include—
 - (a) manslaughter by gross negligence, or
 - (b) manslaughter mentioned in section 2(3) or 4(1) of the Homicide Act 1957 or section 54(7) of the Coroners and Justice Act 2009 (partial defences to murder).
- (5) In this section—
 - “emergency worker” has the meaning given by section 68;
 - “relevant commencement date” means the date on which section 3 of the Police, Crime, Sentencing and Courts Act 2022 (required life sentence for manslaughter of emergency worker) comes into force.
- (6) 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.
- (7) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.]

Textual Amendments

F83 S. 258A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 3\(6\)](#), [208\(5\)\(b\)](#)

259 Offenders who commit murder etc when under 18: duty to detain at Her Majesty's pleasure

- (1) This section applies where—
 - (a) a court is dealing with a person convicted of—
 - (i) murder, or
 - (ii) any other offence the sentence for which is fixed by law as life imprisonment, and
 - (b) the person appears to the court to have been aged under 18 at the time the offence was committed.
- (2) The court must sentence the offender to be detained during Her Majesty's pleasure.
- (3) Subsection (2) applies notwithstanding anything in this or any other Act.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I179 S. 259 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Detention under this Chapter

260 Detention under section 250 [^{F84}, 252A] or 259

- (1) Detention under section 250 [^{F85}, 252A] or 259 is to be in such place and under such conditions—
- (a) as the Secretary of State may direct, or
 - (b) as the Secretary of State may arrange with any person.
- (2) A person detained pursuant to directions or arrangements made by the Secretary of State under this section is deemed to be in legal custody.

Textual Amendments

F84 Word in s. 260 heading inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(17\)](#)

F85 Word in s. 260(1) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(17\)](#)

Commencement Information

I180 S. 260 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

261 Detention in pursuance of extended sentence

Detention under section 254 (extended sentence of detention) is to be in a place and under conditions determined by, or by a person authorised for the purpose by, the Secretary of State.

Modifications etc. (not altering text)

C76 S. 261 applied by 2006 c. 52, s. 224 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 44](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

I181 S. 261 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

CHAPTER 3

ADULTS AGED UNDER 21

Detention in a young offender institution

262 Detention in a young offender institution for offender at least 18 but under 21

- (1) A sentence of detention in a young offender institution is available to a court dealing with an offender for an offence where—
- (a) the offender is aged at least 18 but under 21 when convicted,
 - (b) the offence is punishable by that court with imprisonment in the case of a person aged 21 or over, and
 - (c) the court is not required to pass a sentence of—
 - (i) detention during Her Majesty's pleasure (see section 259), or
 - (ii) custody for life (see sections 272 and 275).
- (2) Where—
- (a) a sentence of detention in a young offender institution is available, and
 - (b) the court is not required to impose such a sentence,
- the power of the court to impose such a sentence is subject (in particular) to section 230 (threshold for imposing discretionary custodial sentence).
- (3) For circumstances in which a court is required to impose a sentence of detention in a young offender institution, see the provisions mentioned in^{F86}—
- (a) section 399(ba) (serious terrorism sentences);
 - (b) section 399(c) (mandatory minimum sentences).

Textual Amendments

F86 Words in s. 262(3) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(9\)](#)

Commencement Information

I182 S. 262 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

263 Term of detention in a young offender institution

- (1) The maximum term of detention in a young offender institution that a court may impose for an offence is the same as the maximum term of imprisonment that it may impose for the offence in the case of a person aged 21 or over.
- (2) The minimum term of a sentence of detention in a young offender institution is 21 days.
- (3) Section 231 (length of discretionary custodial sentences: general provision), in particular, applies in determining the term of a sentence of detention in a young offender institution.
- (4) For further provision about the term of a sentence of detention in a young offender institution, see—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (a) section 265 (special sentence for certain offenders of particular concern);
- (b) section 268 (extended sentence).
- [^{F87}(c) section 268B (serious terrorism sentence).]

Textual Amendments

F87 S. 263(4)(c) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(10\)](#)

Commencement Information

I183 S. 263 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Suspended sentence of detention in a young offender institution

264 Suspended sentence order for offender under 21: availability

- (1) This section applies where, in dealing with an offender for an offence, the court imposes a sentence of detention in a young offender institution.
- (2) A suspended sentence order (see section 286) is available in relation to that sentence if the term of the sentence of detention in a young offender institution is not more than 2 years.
- (3) But a suspended sentence order is not available in relation to that sentence if—
 - (a) the sentence of detention in a young offender institution is one of two or more sentences imposed on the same occasion which are to be served consecutively, and
 - (b) the terms of those sentences are in aggregate more than 2 years.
- (4) For provision about suspended sentences see Chapter 5 .

Modifications etc. (not altering text)

C77 S. 264 modified by 2006 c. 52, s. 200(1)(a) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

I184 S. 264 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Special custodial sentence for certain offenders of particular concern

265 Required special sentence for certain offenders of particular concern

- (1) This section applies where a court imposes a sentence of detention in a young offender institution for an offence where—
 - (a) the offence is listed in Schedule 13,
 - (b) the offender—
 - ^{F88}(i)
 - (ii) is aged [^{F89}at least 18 but] under 21 when convicted of the offence, and

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- (c) the court does not impose [^{F90}any] of the following for the offence (or for an offence associated with it)—
- (i) an extended sentence under section 266,
 - [^{F91}(ia) a serious terrorism sentence under section 268A,] or
 - (ii) a sentence of custody for life under section 272.

[^{F92}(1A) But this section does not apply if—

- (a) the offender was aged under 18 when the offence was committed, and
- (b) the offence—
 - (i) was committed before the day on which section 22 of the Counter-Terrorism and Sentencing Act 2021 came into force, or
 - (ii) is listed in Part 2 of Schedule 13 (sexual offences).]

(2) The term of the sentence must be equal to the aggregate of—

- (a) the appropriate custodial term, and
- (b) a further period of 1 year for which the offender is to be subject to a licence, and must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

(3) For the purposes of subsection (2), the “appropriate custodial term” is the term that, in the opinion of the court, ensures that the sentence is appropriate.

[^{F93}(4) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1A) to have been committed on the last of those days.]

Textual Amendments

- F88** S. 265(1)(b)(i) omitted (30.4.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 22\(3\)\(a\)\(i\)](#), [50\(1\)\(c\)](#)
- F89** Words in s. 265(1)(b)(ii) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 22\(3\)\(a\)\(ii\)](#), [50\(1\)\(c\)](#)
- F90** Word in s. 265(1)(c) substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. [50\(2\)\(v\)](#), [Sch. 13 para. 11\(1\)\(a\)](#)
- F91** S. 265(1)(c)(ia) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. [50\(2\)\(v\)](#), [Sch. 13 para. 11\(1\)\(b\)](#)
- F92** S. 265(1A) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 22\(3\)\(b\)](#), [50\(1\)\(c\)](#)
- F93** S. 265(4) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. [50\(1\)\(i\)](#), [Sch. 13 para. 26\(18\)](#)

Modifications etc. (not altering text)

- C78** S. 265(2)(3) applied by 2006 c. 52, s. 224A(2) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. [416\(1\)](#), [Sch. 25 para. 45\(3\)](#) (with s. [416\(7\)](#), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

Commencement Information

- I185** S. 265 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Extended sentence of detention in a young offender institution

266 Extended sentence of detention in a young offender institution for certain violent, sexual or terrorism offences

An extended sentence of detention in a young offender institution is a sentence of detention in a young offender institution the term of which is equal to the aggregate of—

- (a) the appropriate custodial term (see section 268), and
- (b) a further period (the “extension period”) for which the offender is to be subject to a licence.

Commencement Information

I186 S. 266 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

267 Extended sentence of detention in a young offender institution: availability

(1) An extended sentence of detention in a young offender institution is available in respect of an offence where—

- (a) the offence is a specified offence (see section 306(1)),
- (b) the offender is aged at least 18 but under 21 when convicted of the offence,
- (c) 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 the offender of further specified offences (see section 308),
- (d) the court is not required by section 273 [^{F94}, 274 or 274A] to impose a sentence of custody for life,
- [^{F95}(da) the court is not required by section 268B to impose a serious terrorism sentence for the offence or for an offence associated with it,] and
- (e) the earlier offence condition or the 4 year term condition is met.

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).

(3) The earlier offence condition is that, when the offence was committed, the offender had been convicted of an offence listed in [^{F96}Part 1, 2 or 3 of] Schedule 14.

[^{F97}(3A) But if the proceedings for the offence were instituted before IP completion day (see section 397(5)), the earlier offence condition is that, when the offence was committed, the offender had been convicted of an offence listed in Part 1, 2, 3 or 3A of Schedule 14.]

(4) The 4 year term condition is that, if the court were to impose an extended sentence, the term that it would specify as the appropriate custodial term (see section 268) would be at least 4 years.

Textual Amendments

F94 Words in s. 267(1)(d) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 3\(7\), 208\(5\)\(b\)](#)

Status: Point in time view as at 03/07/2023.

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- F95** S. 267(1)(da) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(12)**
- F96** Words in s. 267(3) inserted (31.12.2020) by Sentencing Act 2020 (c. 17), **Sch. 22 para. 87A(a)** (as inserted by The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520), regs. 1(1), **5(4)**)
- F97** S. 267(3A) inserted (31.12.2020) by Sentencing Act 2020 (c. 17), **Sch. 22 para. 87A(b)** (as inserted by The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520), regs. 1(1), **5(4)**)

Commencement Information

- I187** S. 267 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

268 Term of extended sentence of detention in a young offender institution

- (1) This section applies where a court dealing with an offender for an offence imposes, or is considering whether to impose, an extended sentence of detention in a young offender institution under section 266.
- (2) The appropriate custodial term is the term of detention in a young offender institution that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences: general provision) if the court did not impose an extended sentence.
- (3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.

This is subject to subsections (4) and (5).

- (4) The extension period must—
 - (a) be at least 1 year, and
 - (b) not exceed—
 - (i) 5 years in the case of a specified violent offence [^{F98}(unless sub-paragraph (iii) applies);] or
 - (ii) 8 years in the case of a specified sexual offence or a specified terrorism offence [^{F99}(unless sub-paragraph (iii) applies);]
 - [^{F100}(iii) 10 years in the case of a serious terrorism offence for which the sentence is imposed on or after the day on which section 17 of the Counter-Terrorism and Sentencing Act 2021 comes into force.]

See section 306(2) for the meanings of “specified violent offence”, “specified sexual offence” [^{F101}and “specified terrorism offence”] [^{F101}], “specified terrorism offence” and “serious terrorism offence”].

- (5) The term of the extended sentence must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

Textual Amendments

- F98** Words in s. 268(4)(b)(i) inserted (29.6.2021 for specified purposes) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 17(2)(a), 50(2)(j)(3)(e)**

Status: Point in time view as at 03/07/2023.

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- F99** Words in s. 268(4)(b)(ii) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), ss. 17\(2\)\(b\), 50\(2\)\(j\)\(3\)\(e\)](#)
- F100** S. 268(4)(b)(iii) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), ss. 17\(2\)\(c\), 50\(2\)\(j\)\(3\)\(e\)](#)
- F101** Words in s. 268(4) substituted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), ss. 17\(3\), 50\(2\)\(j\)\(3\)\(e\)](#)

Modifications etc. (not altering text)

- C79** S. 268(2)-(5) applied (with modifications) by 2006 c. 52, s. 219A(5)(6) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 40\(5\)](#) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I188** S. 268 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

f^{F102}Serious terrorism sentence

Textual Amendments

- F102** [Ss. 268A-268C](#) and cross-heading inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), ss. 4, 50\(2\)\(c\)](#)

268A Serious terrorism sentence of detention in a young offender institution

A serious terrorism sentence of detention in a young offender institution is a sentence of detention in a young offender institution the term of which is equal to the aggregate of—

- (a) the appropriate custodial term (see section 268C), and
- (b) a further period (the “extension period”) for which the offender is to be subject to a licence.

268B Serious terrorism sentence of detention in a young offender institution: circumstances in which required

- (1) Subsection (2) applies where a court is dealing with an offender for a serious terrorism offence (see section 306(2)) where—
 - (a) the offence was committed on or after the day on which section 4 of the Counter-Terrorism and Sentencing Act 2021 came into force,
 - (b) the offender was aged 18 or over when the offence was committed,
 - (c) the offender is aged under 21 when convicted of the offence,
 - (d) 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 the offender of further serious terrorism offences or other specified offences (see section 308),
 - (e) the court does not impose a sentence of custody for life, and
 - (f) the risk of multiple deaths condition is met.
- (2) The court must impose a serious terrorism sentence of detention in a young offender institution under section 268A unless the court is of the opinion that there are exceptional circumstances which—

Status: Point in time view as at 03/07/2023.

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- (a) relate to the offence or to the offender, and
 - (b) justify not doing so.
- (3) The risk of multiple deaths condition is that the court is of the opinion that—
- (a) either—
 - (i) the serious terrorism offence, or
 - (ii) the combination of the offence and one or more offences associated with it,
 was very likely to result in or contribute to (whether directly or indirectly) the deaths of at least two people as a result of an act of terrorism (within the meaning of section 1 of the Terrorism Act 2000), and
 - (b) the offender was, or ought to have been, aware of that likelihood.
- (4) It is irrelevant for the purposes of determining whether the risk of multiple deaths condition is met whether or not any death actually occurred.
- (5) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the last of those days.
- (6) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(d).

268C Term of serious terrorism sentence of detention in a young offender institution

- (1) This section applies where the court dealing with an offender is required by section 268B to impose a serious terrorism sentence of detention in a young offender institution under section 268A.
- (2) The appropriate custodial term is—
- (a) 14 years, or
 - (b) if longer, the term of detention in a young offender institution that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences) if the court did not impose a serious terrorism sentence (or an extended sentence or a sentence under section 265).
- (3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further serious terrorism offences or other specified offences.
- This is subject to subsection (4).
- (4) The extension period must—
- (a) be at least 7 years, and
 - (b) not exceed 25 years.]

Detention in a young offender institution: consecutive sentences etc

269 Detention in a young offender institution: consecutive sentences

- (1) Where—

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- (a) an offender is convicted of more than one offence for which a sentence of detention in a young offender institution is available, or
- (b) an offender who is serving a sentence of detention in a young offender institution is convicted of one or more further offences for which a sentence of detention in a young offender institution is available,

the court has the same power to pass consecutive sentences of detention in a young offender institution as if they were sentences of imprisonment.

(2) Where an offender who—

- (a) is serving a sentence of detention in a young offender institution, and
- (b) is aged 21 or over,

is convicted of one or more further offences for which the offender is liable to imprisonment, the court has the power to pass one or more sentences of imprisonment to run consecutively upon the sentence of detention in a young offender institution.

This is subject to section 225 (restriction on consecutive sentences for released prisoners).

Commencement Information

I189 S. 269 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

270 Sentence of detention in a young offender institution where offender subject to detention and training order

- (1) This section applies where the court imposes a sentence of detention in a young offender institution in the case of an offender who is subject to a relevant detention and training order.
- (2) If the offender has not at any time been released for supervision under the detention and training order, the court may order that the sentence of detention in a young offender institution is to take effect at the time when the offender would otherwise be released under the relevant detention and training order (see section 248(5)).
- (3) Otherwise, the sentence of detention in a young offender institution takes effect at the beginning of the day on which it is passed.
- (4) In this section “relevant detention and training order” means—
 - (a) a detention and training order under section 233,
 - (b) an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act), or
 - (c) an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training order: offender convicted before the commencement of this Act).

Modifications etc. (not altering text)

C80 S. 270 modified by 2006 c. 52, s. 213(2)(d) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 33\(2\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Status: Point in time view as at 03/07/2023.

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Commencement Information

I190 S. 270 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Detention in a young offender institution: further provision

271 Detention in a young offender institution: place of detention

- (1) An offender sentenced to detention in a young offender institution is to be detained in a young offender institution unless a direction under subsection (2) is in force in relation to the offender.

This is subject to section 22(2)(b) of the Prison Act 1952 (removal to hospital etc).

- (2) The Secretary of State may from time to time direct that an offender sentenced to detention in a young offender institution is to be detained in a prison instead of a young offender institution.

Commencement Information

I191 S. 271 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Custody for life

272 Offences other than murder

- (1) This section applies where a person aged at least 18 but under 21 is convicted of an offence for which the sentence is not fixed by law.
- (2) The court must sentence the offender to custody for life if—
- (a) the offence is punishable in the case of a person aged 21 or over with imprisonment for life, and the court considers that a sentence for life would be appropriate, or
 - (b) the court is required by section 273 [^{F103}, 274 or 274A] to impose a sentence of custody for life.
- (3) Sections 230 (threshold for imposing discretionary custodial sentence) and 231 (length of discretionary custodial sentences: general provision), in particular, apply for the purposes of subsection (2)(a).

Textual Amendments

F103 Words in s. 272(2)(b) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 3\(8\), 208\(5\)\(b\)](#)

Commencement Information

I192 S. 272 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 03/07/2023.

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273 Custody for life for second listed offence

- (1) Subsection (3) applies where—
 - (a) a court is dealing with an offender for an offence (“the index offence”) that is listed in Part 1 of Schedule 15,
 - (b) the index offence was committed on or after the relevant date,
 - (c) the offender is aged 18 or over but under 21 when convicted of the index offence, and
 - (d) the sentence condition and the previous offence condition are met.
- (2) In subsection (1)(b), “relevant date”, in relation to an offence, means the date specified for that offence in Part 1 of Schedule 15.
- (3) The court must impose a sentence of custody for life under section 272 unless the court is of the opinion that there are particular circumstances which—
 - (a) relate to—
 - (i) the index offence,
 - (ii) the previous offence referred to in subsection (5), or
 - (iii) the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (4) The sentence condition is that, but for this section, the court would impose a sentence of detention in a young offender institution for 10 years or more, disregarding any extension period that it would impose under section 266.

Sections 230(2) and 231(2) apply for this purpose.
- (5) The previous offence condition is that—
 - (a) when the index offence was committed, the offender had been convicted of an offence (“the previous offence”) listed in Schedule 15, and
 - (b) a relevant life sentence or a relevant sentence of detention for a determinate period was imposed on the offender for the previous offence.
- (6) For the purposes of subsection (5), Schedule 15 is to be read as if Part 1 did not include any offence for which the date specified in that Part is after the date on which the index offence was committed.
- (7) A life sentence is relevant for the purposes of subsection (5)(b) if—
 - (a) the offender was not eligible for release during the first 5 years of the sentence, or
 - (b) the offender would not have been eligible for release during that period but for the reduction of the period of ineligibility to take account of a relevant pre-sentence period.
- (8) An extended sentence imposed under the Criminal Justice Act 2003 or this Code (including one imposed as a result of the Armed Forces Act 2006) is relevant for the purposes of subsection (5)(b) if the appropriate custodial term imposed was 10 years or more.
- (9) Any other extended sentence is relevant for the purposes of subsection (5)(b) if the custodial term imposed was 10 years or more.
- (10) Any other sentence of detention for a determinate period is relevant for the purposes of subsection (5)(b) if it was for a period of 10 years or more.

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(11) An extended sentence or other sentence of detention is also relevant if it would have been relevant under subsection (9) or (10) but for the reduction of the sentence, or any part of the sentence, to take account of a relevant pre-sentence period.

(12) For the purposes of subsections (5) to (11)—

“extended sentence” means—

- (a) a sentence imposed under section 254 or 266 (including one imposed as a result of section 219A or 221A of the Armed Forces Act 2006), or
- (b) a sentence imposed under section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003 (including one imposed as a result of section 219A, 220, 221A or 222 of the Armed Forces Act 2006),

or an equivalent sentence imposed under the law of Scotland [^{F104}or Northern Ireland];

“life sentence” means—

- (a) a sentence of detention for life under—
 - (i) section 250,
 - (ii) section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, or
 - (iii) section 209 of the Armed Forces Act 2006,
- (b) a sentence of detention during Her Majesty's pleasure under—
 - (i) section 259,
 - (ii) section 90 of the Powers of Criminal Courts (Sentencing) Act 2000, or
 - (iii) section 218 of the Armed Forces Act 2006, or
- (c) a sentence of custody for life under—
 - (i) section 272 or 275 (including one passed as a result of section 210A, 217, 218A or 219 of the Armed Forces Act 2006), or
 - (ii) section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000 (including one passed as a result of paragraph 6 or 7 of Schedule 2 to the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)),

or an equivalent sentence imposed under the law of Scotland [^{F105}or Northern Ireland];

“relevant pre-sentence period”, in relation to the previous offence referred to in subsection (5), means any period which the offender spent in custody or on bail before the sentence for that offence was imposed;

“sentence of detention” includes any sentence of a period in custody (however expressed).

[^{F106}(12A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), the references to “an equivalent sentence” in the definitions of the following are to be read as also including an equivalent sentence imposed under the law of a member State—

- (a) “extended sentence”, and
- (b) “life sentence”.]

(13) 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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- (14) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (1)(b), (5)(a) and (6) to have been committed on the last of those days.

Textual Amendments

- F104** Words in s. 273(12) substituted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 88\(1\)\(a\)](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520](#), regs. 1(1), 5(5)(a))
- F105** Words in s. 273(12) substituted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 88\(1\)\(b\)](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520](#), regs. 1(1), 5(5)(a))
- F106** S. 273(12A) inserted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 88\(2\)](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(5\)\(b\)](#))

Modifications etc. (not altering text)

- C81** S. 273(3) applied (with modifications) by [2006 c. 52](#), [s. 218A\(1B\)\(3\)](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 38\(3\)\(5\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))
- C82** S. 273(12A) modified (31.12.2020) by [2006 c. 52](#), [s. 218A\(6A\)](#) (as inserted by [2020 c. 17](#), [Sch. 26 para. 12\(1\)\(db\)](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [6\(2\)\(b\)](#)))

Commencement Information

- I193** S. 273 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

274 Required sentence of custody for life for offence carrying life sentence

- (1) This section applies where a court is dealing with an offender for an offence where—
- the offender is aged 18 or over but under 21 when convicted of the offence,
 - the offence is a Schedule 19 offence (see section 307), and
 - 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 the offender of further specified offences (see sections 306(1) and 308).
- (2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).
- (3) If the court considers that the seriousness of—
- the offence, or
 - the offence and one or more offences associated with it,
- is such as to justify the imposition of a sentence of custody for life, the court must impose a sentence of custody for life under section 272.
- (4) 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.

Modifications etc. (not altering text)

- C83** S. 274(3) applied (with modifications) by [2006 c. 52](#), s. 219(1A)(3)(5) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 39\(3\)\(5\)\(7\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

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Commencement Information

I194 S. 274 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

[^{F107}274A] Required sentence of custody for life for manslaughter of emergency worker

- (1) This section applies where—
 - (a) a person aged 18 or over but under 21 is convicted of a relevant offence,
 - (b) the offence was committed—
 - (i) when the person was aged 16 or over, and
 - (ii) on or after the relevant commencement date, and
 - (c) the offence was committed against an emergency worker acting in the exercise of functions as such a worker.
- (2) The court must impose a sentence of custody for life under section 272 unless the court is of the opinion that there are exceptional circumstances which—
 - (a) relate to the offence or the offender, and
 - (b) justify not doing so.
- (3) For the purposes of subsection (1)(c) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (4) In this section “relevant offence” means the offence of manslaughter, but does not include—
 - (a) manslaughter by gross negligence, or
 - (b) manslaughter mentioned in section 2(3) or 4(1) of the Homicide Act 1957 or section 54(7) of the Coroners and Justice Act 2009 (partial defences to murder).
- (5) In this section—

“emergency worker” has the meaning given by section 68;

“relevant commencement date” means the date on which section 3 of the Police, Crime, Sentencing and Courts Act 2022 (required life sentence for manslaughter of emergency worker) comes into force.
- (6) 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.
- (7) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.]

Textual Amendments

F107 [S. 274A](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 3\(9\)](#), [208\(5\)\(b\)](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

275 Duty to impose custody for life for offence of murder

- (1) Where a person aged under 21 is convicted of—
 - (a) murder, or
 - (b) any other offence the sentence for which is fixed by law as life imprisonment, the court must sentence the offender to custody for life.
- (2) Subsection (1) does not apply where the offender is liable to be detained under section 259 (detention at Her Majesty's pleasure for offender under 18).

Commencement Information

I195 S. 275 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

276 Custody for life: place of detention

- (1) An offender sentenced to custody for life is to be detained in a young offender institution unless a direction under subsection (2) is in force in relation to the offender.
This is subject to section 22(2)(b) of the Prison Act 1952 (removal to hospital etc).
- (2) The Secretary of State may from time to time direct that an offender sentenced to custody for life is to be detained in a prison instead of a young offender institution.

Commencement Information

I196 S. 276 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

CHAPTER 4

ADULTS AGED 21 AND OVER

Suspended sentence of imprisonment

277 Suspended sentence order for person aged 21 or over: availability

- (1) This section applies where, in dealing with an offender for an offence, a court passes a sentence of imprisonment.
- (2) A suspended sentence order (see section 286) is available in relation to that sentence if the term of the sentence of imprisonment is—
 - (a) at least 14 days, but
 - (b) not more than 2 years.
- (3) But a suspended sentence order is not available in relation to that sentence if—
 - (a) the sentence of imprisonment is one of two or more sentences imposed on the same occasion which are to be served consecutively, and
 - (b) the terms of those sentences are in aggregate more than 2 years.
- (4) For provision about suspended sentences, see Chapter 5 .

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

C84 S. 277 modified by 2006 c. 52, s. 200(1)(b) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

Commencement Information

I197 S. 277 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Special custodial sentence for certain offenders of particular concern

278 Required special custodial sentence for certain offenders of particular concern

- (1) This section applies where the court imposes a sentence of imprisonment for an offence where—
- (a) the offence is listed in Schedule 13,
 - (b) the person—
 - ^{F108}(i)
 - (ii) is aged 21 or over when convicted of the offence, and
 - (c) the court does not impose [^{F109}any] of the following for the offence (or for an offence associated with it)—
 - (i) an extended sentence under section 279,
 - [^{F110}(ia) a serious terrorism sentence under section 282A,] or
 - (ii) a sentence of imprisonment for life.

[^{F111}(1A) But this section does not apply if—

- (a) the offender was aged under 18 when the offence was committed, and
- (b) the offence—
 - (i) was committed before the day on which section 22 of the Counter-Terrorism and Sentencing Act 2021 came into force, or
 - (ii) is listed in Part 2 of Schedule 13 (sexual offences).]

(2) The term of the sentence must be equal to the aggregate of—

- (a) the appropriate custodial term, and
- (b) a further period of 1 year for which the offender is to be subject to a licence, and must not exceed the maximum term of imprisonment with which the offence is punishable.

(3) For the purposes of subsection (2), the “appropriate custodial term” is the term that, in the opinion of the court, ensures that the sentence is appropriate.

[^{F112}(4) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1A) to have been committed on the last of those days.]

Textual Amendments

F108 S. 278(1)(b)(i) omitted (30.4.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 22\(4\)\(a\)](#), [50\(1\)\(c\)](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- F109** Word in s. 278(1)(c) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(13)(a)**
- F110** S. 278(1)(c)(ia) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(13)(b)**
- F111** S. 278(1A) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 22(4)(b), 50(1)(c)**
- F112** S. 278(4) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 26(19)**

Modifications etc. (not altering text)

- C85** S. 278(2)(3) applied by 2006 c. 52, s. 224A(2A) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 45(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I198** S. 278 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Extended sentences

279 Extended sentence of imprisonment for certain violent, sexual or terrorism offences: persons 21 or over

An extended sentence of imprisonment is a sentence of imprisonment the term of which is equal to the aggregate of—

- (a) the appropriate custodial term (see section 281), and
- (b) a further period (the “extension period”) for which the offender is to be subject to a licence.

Commencement Information

- I199** S. 279 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

280 Extended sentence of imprisonment: availability

- (1) An extended sentence of imprisonment is available in respect of an offence where—
 - (a) the offence is a specified offence (see section 306(1)),
 - (b) the offender is aged 21 or over when convicted of the offence,
 - (c) 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 the offender of further specified offences (see section 308),
 - (d) the court is not required by section 283 ^[F113], 285 or 285A] to impose a sentence of imprisonment for life,
 - ^[F114](da) the court is not required by section 282B to impose a serious terrorism sentence for the offence or for an offence associated with it,] and
 - (e) the earlier offence condition or the 4 year term condition is met.
- (2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).
- (3) The earlier offence condition is that, when the offence was committed, the offender had been convicted of an offence listed in ^[F115]Part 1, 2 or 3 of] Schedule 14.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

[^{F116}(3A) But if the proceedings for the offence were instituted before IP completion day (see section 397(5)), the earlier offence condition is that, when the offence was committed, the offender had been convicted of an offence listed in Part 1, 2, 3 or 3A of Schedule 14].

(4) The 4 year term condition is that, if the court were to impose an extended sentence of imprisonment, the term that it would specify as the appropriate custodial term (see section 281) would be at least 4 years.

Textual Amendments

- F113** Words in s. 280(1)(d) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 3\(10\)](#), 208(5)(b)
- F114** S. 280(1)(da) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021](#) (c. 11), s. 50(2)(v), [Sch. 13 para. 11\(14\)](#)
- F115** Words in s. 280(3) inserted (31.12.2020) by [Sentencing Act 2020](#) (c. 17), [Sch. 22 para. 88A\(a\)](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020](#) (S.I. 2020/1520), regs. 1(1), [5\(6\)](#))
- F116** S. 280(3A) inserted (31.12.2020) by [Sentencing Act 2020](#) (c. 17), [Sch. 22 para. 88A\(b\)](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020](#) (S.I. 2020/1520), regs. 1(1), [5\(6\)](#))

Commencement Information

- I200** S. 280 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

281 Term of extended sentence of imprisonment

- (1) This section applies where the court dealing with an offender for an offence imposes, or is considering whether to impose, an extended sentence of imprisonment under section 279.
- (2) The appropriate custodial term is the term of imprisonment that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences: general provision) if the court did not impose an extended sentence of imprisonment.
- (3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.

This is subject to subsections (4) and (5).

- (4) The extension period must—
- (a) be at least 1 year, and
 - (b) not exceed—
 - (i) 5 years in the case of a specified violent offence [^{F117}(unless sub-paragraph (iii) applies)];
 - (ii) 8 years in the case of a specified sexual offence or a specified terrorism offence [^{F118}(unless sub-paragraph (iii) applies)];
 - [^{F119}(iii) 10 years in the case of a serious terrorism offence for which the sentence is imposed on or after the day on which section 18 of the Counter-Terrorism and Sentencing Act 2021 comes into force.]

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

See section 306(2) for the meanings of “specified violent offence”, “specified sexual offence” ^{F120} and “specified terrorism offence” ^{F120}, “specified terrorism offence” and “serious terrorism offence”].

- (5) The term of the extended sentence of imprisonment must not exceed the maximum term of imprisonment with which the offence is punishable.

Textual Amendments

- F117** Words in s. 281(4)(b)(i) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 18(2)(a)**, 50(2)(j)(3)(e)
- F118** Words in s. 281(4)(b)(ii) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 18(2)(b)**, 50(2)(j)(3)(e)
- F119** S. 281(4)(b)(iii) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 18(2)(c)**, 50(2)(j)(3)(e)
- F120** Words in s. 281(4) substituted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 18(3)**, 50(2)(j)(3)(e)

Modifications etc. (not altering text)

- C86** S. 281(2)-(5) applied (with modifications) by 2006 c. 52, s. 219A(8)(9) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 40(5)** (with s. 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2)

Commencement Information

- I201** S. 281 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

282 Extended sentences for offences committed before 4 April 2005

In section 280(1)(a) and section 281(4)(b), references to a specified offence, a specified violent offence, a specified sexual offence and a specified terrorism offence include an offence that—

- (a) was abolished before 4 April 2005, and
- (b) would have constituted such an offence if committed on the day on which the offender is convicted of the offence.

Commencement Information

- I202** S. 282 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

^{F121} *Serious terrorism sentence*

Textual Amendments

- F121** Ss. 282A-282C and cross-heading inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 5**, 50(2)(c)

Status: Point in time view as at 03/07/2023.

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282A Serious terrorism sentence of imprisonment: persons 21 or over

A serious terrorism sentence of imprisonment is a sentence of imprisonment the term of which is equal to the aggregate of—

- (a) the appropriate custodial term (see section 282C), and
- (b) a further period (the “extension period”) for which the offender is to be subject to a licence.

282B Serious terrorism sentence of imprisonment: circumstances in which required

- (1) Subsection (2) applies where a court is dealing with an offender for a serious terrorism offence (see section 306(2)) where—
 - (a) the offence was committed on or after the day on which section 5 of the Counter-Terrorism and Sentencing Act 2021 came into force,
 - (b) the offender was aged 18 or over when the offence was committed,
 - (c) the offender is aged 21 or over when convicted of the offence,
 - (d) 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 the offender of further serious terrorism offences or other specified offences (see section 308),
 - (e) the court does not impose a sentence of imprisonment for life, and
 - (f) the risk of multiple deaths condition is met.
- (2) The court must impose a serious terrorism sentence of imprisonment under section 282A unless the court is of the opinion that there are exceptional circumstances which—
 - (a) relate to the offence or to the offender, and
 - (b) justify not doing so.
- (3) The risk of multiple deaths condition is that the court is of the opinion that—
 - (a) either—
 - (i) the serious terrorism offence, or
 - (ii) the combination of the offence and one or more offences associated with it,
 was very likely to result in or contribute to (whether directly or indirectly) the deaths of at least two people as a result of an act of terrorism (within the meaning of section 1 of the Terrorism Act 2000), and
 - (b) the offender was, or ought to have been, aware of that likelihood.
- (4) It is irrelevant for the purposes of determining whether the risk of multiple deaths condition is met whether or not any death actually occurred.
- (5) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the last of those days.
- (6) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(d).

Status: Point in time view as at 03/07/2023.

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282C Term of serious terrorism sentence of imprisonment

- (1) This section applies where the court dealing with an offender is required by section 282B to impose a serious terrorism sentence of imprisonment under section 282A.
- (2) The appropriate custodial term is—
 - (a) 14 years, or
 - (b) if longer, the term of imprisonment that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences) if the court did not impose a serious terrorism sentence of imprisonment (or an extended sentence or a sentence under section 278).
- (3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further serious terrorism offences or other specified offences.

This is subject to subsection (4).

- (4) The extension period must—
 - (a) be at least 7 years, and
 - (b) not exceed 25 years.]

Life sentences

283 Life sentence for second listed offence

- (1) Subsection (3) applies where—
 - (a) a court is dealing with an offender for an offence (“the index offence”) that is listed in Part 1 of Schedule 15,
 - (b) the index offence was committed on or after the relevant date,
 - (c) the offender is aged 21 or over when convicted of the index offence, and
 - (d) the sentence condition and the previous offence condition are met.
- (2) In subsection (1)(b), “relevant date”, in relation to an offence, means the date specified for that offence in Part 1 of Schedule 15.
- (3) The court must impose a sentence of imprisonment for life unless the court is of the opinion that there are particular circumstances which—
 - (a) relate to—
 - (i) the index offence,
 - (ii) the previous offence referred to in subsection (5), or
 - (iii) the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- (4) The sentence condition is that, but for this section, the court would impose a sentence of imprisonment for 10 years or more, disregarding any extension period it would impose under section 279.

Sections 230(2) and 231(2) apply for this purpose.

- (5) The previous offence condition is that—

Status: Point in time view as at 03/07/2023.

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- (a) when the index offence was committed, the offender had been convicted of an offence (“the previous offence”) listed in Schedule 15, and
 - (b) a relevant life sentence or a relevant sentence of imprisonment or detention for a determinate period was imposed on the offender for the previous offence.
- (6) For the purposes of subsection (5), Schedule 15 is to be read as if Part 1 did not include any offence for which the date specified in that Part is after the date on which the index offence was committed.
- (7) A life sentence is relevant for the purposes of subsection (5)(b) if—
- (a) the offender was not eligible for release during the first 5 years of the sentence, or
 - (b) the offender would not have been eligible for release during that period but for the reduction of the period of ineligibility to take account of a relevant pre-sentence period.
- (8) An extended sentence imposed under the Criminal Justice Act 2003 or this Code (including one imposed as a result of the Armed Forces Act 2006) is relevant for the purposes of subsection (5)(b) if the appropriate custodial term imposed was 10 years or more.
- (9) Any other extended sentence is relevant for the purposes of subsection (5)(b) if the custodial term imposed was 10 years or more.
- (10) Any other sentence of imprisonment or detention for a determinate period is relevant for the purposes of subsection (5)(b) if it was for a period of 10 years or more.
- (11) An extended sentence or other sentence of imprisonment or detention is also relevant if it would have been relevant under subsection (9) or (10) but for the reduction of the sentence, or any part of the sentence, to take account of a relevant pre-sentence period.
- (12) For the purposes of subsections (5) to (11)—
- “extended sentence” means—
- (a) a sentence under section 254, 266 or 279 (including one imposed as a result of section 219A or 221A of the Armed Forces Act 2006),
 - (b) a sentence under section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003 (including one imposed as a result of section 219A, 220, 221A or 222 of the Armed Forces Act 2006), or
 - (c) a sentence under—
 - (i) section 85 of the Powers of Criminal Courts (Sentencing) Act 2000, or
 - (ii) section 58 of the Crime and Disorder Act 1998,
 or an equivalent sentence imposed under the law of Scotland [^{F122}or Northern Ireland];
- “life sentence” means—
- (a) a sentence of imprisonment for life;
 - (b) a sentence of detention for life under—
 - (i) section 250,
 - (ii) section 91 of the Powers of Criminal Courts (Sentencing) Act 2000;
 - (iii) section 53(3) of the Children and Young Persons Act 1933;
 - (iv) section 209 of the Armed Forces Act 2006;

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- (v) section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957;
- (c) a sentence of detention during Her Majesty's pleasure under—
 - (i) section 259,
 - (ii) section 90 of the Powers of Criminal Courts (Sentencing) Act 2000,
 - (iii) section 53(1) of the Children and Young Persons Act 1933,
 - (iv) section 218 of the Armed Forces Act 2006, or
 - (v) section 71A(3) of the Army Act 1955 or Air Force Act 1955 or section 43A(3) of the Naval Discipline Act 1957;
- (d) a sentence of custody for life under—
 - (i) section 272 or 275 (including one passed as a result of section 210A, 217, 218A or 219 of the Armed Forces Act 2006),
 - (ii) section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000 (including one passed as a result of paragraph 6 or 7 of Schedule 2 to the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)),
 - (iii) section 8 of the Criminal Justice Act 1982, or
 - (iv) section 71A(1A) or (1B) of the Army Act 1955 or Air Force Act 1955 or section 43(1A) or (1B) of the Naval Discipline Act 1957;
- (e) a sentence of imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006);
- (f) a sentence of detention for public protection under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006);

or an equivalent sentence imposed under the law of Scotland [^{F123}or Northern Ireland];

“relevant pre-sentence period”, in relation to the previous offence referred to in subsection (5), means any period which the offender spent in custody or on bail before the sentence for that offence was imposed;

“sentence of imprisonment or detention” includes any sentence of a period in custody (however expressed).

[^{F124}(12A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), the references to “an equivalent sentence” in the definitions of the following are to be read as also including an equivalent sentence imposed under the law of a member State—

- (a) “extended sentence”, and
- (b) “life sentence”.]

- (13) 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.
- (14) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (1)(b), (5)(a) and (6) to have been committed on the last of those days.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Textual Amendments

- F122** Words in s. 283(12) substituted (31.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 417\(9\), Sch. 22 para. 89\(1\)\(a\)](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520, regs. 1\(1\), 5\(7\)\(a\)](#))
- F123** Words in s. 283(12) substituted (31.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 417\(9\), Sch. 22 para. 89\(1\)\(b\)](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520, regs. 1\(1\), 5\(7\)\(a\)](#))
- F124** S. 283(12A) inserted (31.12.2020) by [Sentencing Act 2020 \(c. 17\), Sch. 22 para. 89\(2\)](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\), regs. 1\(1\), 5\(7\)\(b\)](#))

Modifications etc. (not altering text)

- C87** S. 283(3) applied (with modifications) by [2006 c. 52, s. 218A\(2\)\(3\)](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 38\(4\)\(5\)](#) (with [s. 416\(7\), Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C88** S. 283(12A) modified (31.12.2020) by [2006 c. 52, s. 218A\(6A\)](#) (as inserted by [2020 c. 17, Sch. 26 para. 12\(1\)\(db\)](#)) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\), regs. 1\(1\), 6\(2\)\(b\)](#))

Commencement Information

- I203** S. 283 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

284 Required life sentence where second offence committed before 4 April 2005

For cases in which a sentence of life imprisonment must be imposed for an offence which—

- (a) is a second offence, and
- (b) was committed on or after 1 October 1997 but before 4 April 2005,

see section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 (life sentence for second serious offence), as it has effect by virtue of paragraph 5(2) of Schedule 2 to the Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950).

Commencement Information

- I204** S. 284 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

285 Required life sentence for offence carrying life sentence

- (1) This section applies where a court is dealing with an offender for an offence where—
 - (a) the offender is aged 21 or over at the time of conviction,
 - (b) the offence is a Schedule 19 offence (see section 307),
 - (c) the offence was committed on or after 4 April 2005, and
 - (d) 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 the offender of further specified offences (see sections 306(1) and 308).
- (2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(d).
- (3) If the court considers that the seriousness of—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (a) the offence, or
 - (b) the offence and one or more offences associated with it,
- is such as to justify the imposition of a sentence of imprisonment for life, the court must impose a sentence of imprisonment for life.
- (4) 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.

Modifications etc. (not altering text)

C89 S. 285(3) applied (with modifications) by 2006 c. 52, s. 219(2)(3)(5) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 25 para. 39(4)(5)(7) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I205 S. 285 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

[^{F125}285A] Required life sentence for manslaughter of emergency worker

- (1) This section applies where—
- (a) a person aged 21 or over is convicted of a relevant offence,
 - (b) the offence was committed—
 - (i) when the person was aged 16 or over, and
 - (ii) on or after the relevant commencement date, and
 - (c) the offence was committed against an emergency worker acting in the exercise of functions as such a worker.
- (2) The court must impose a sentence of imprisonment for life unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or the offender, and
 - (b) justify not doing so.
- (3) For the purposes of subsection (1)(c) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (4) In this section “relevant offence” means the offence of manslaughter, but does not include—
- (a) manslaughter by gross negligence, or
 - (b) manslaughter mentioned in section 2(3) or 4(1) of the Homicide Act 1957 or section 54(7) of the Coroners and Justice Act 2009 (partial defences to murder).
- (5) In this section—
- “emergency worker” has the meaning given by section 68;
 - “relevant commencement date” means the date on which section 3 of the Police, Crime, Sentencing and Courts Act 2022 (required life sentence for manslaughter of emergency worker) comes into force.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (6) 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.
- (7) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.]

Textual Amendments

F125 S. 285A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. [3\(11\)](#), [208\(5\)\(b\)](#)

CHAPTER 5

SUSPENDED SENTENCES

Modifications etc. (not altering text)

C90 Pt. 10 Ch. 5 applied (with modifications) by 2006 s. 52, ss. 200-207, Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. [416\(1\)](#), [Sch. 25 paras. 19-26](#) (with s. [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

What a suspended sentence order is

286 Suspended sentence order

- (1) A suspended sentence order is an order providing that a sentence of imprisonment or detention in a young offender institution in respect of an offence is not to take effect unless—
 - (a) an activation event occurs, and
 - (b) a court having power to do so subsequently orders under paragraph 13 of Schedule 16 that the sentence is to take effect.
- (2) A suspended sentence order may also specify one or more available community requirements with which the offender must comply during the supervision period.
- (3) An activation event occurs if the offender—
 - (a) commits another offence in the United Kingdom during the operational period (whether or not punishable with imprisonment), or
 - (b) during the supervision period, contravenes any community requirement imposed by the order.
- (4) The community requirements are listed in column 1 of the community requirements table (see section 287).
- (5) Provision about each requirement is made by the provisions of Schedule 9 mentioned in the corresponding entry in column 2 of that table.
- (6) In this Code—

“suspended sentence order” has the meaning given by subsection (1);

Status: Point in time view as at 03/07/2023.

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“suspended sentence” means a sentence to which a suspended sentence order relates.

(7) In this Code, references to a community requirement of, or imposed by, a suspended sentence order are to a requirement specified in the order under subsection (2).

Modifications etc. (not altering text)

C91 S. 286 modified by 2006 c. 52, s. 200(1)(c)(i) (as substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

C92 S. 286 applied (with modifications) by 2006 s. 52, s. 200A (as substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

Commencement Information

I206 S. 286 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

287 Suspended sentence order: community requirements table

The community requirements table referred to in sections 286, 290 and 292 is—

<i>Requirement</i>	<i>Part of Schedule 9 relating to requirement</i>	<i>Restrictions on availability</i>
unpaid work requirement	Part 1	
rehabilitation activity requirement	Part 2	
programme requirement	Part 3	
prohibited activity requirement	Part 4	
curfew requirement	Part 5	
exclusion requirement	Part 6	
residence requirement	Part 7	
foreign travel prohibition requirement	Part 8	
mental health treatment requirement	Part 9	
drug rehabilitation requirement	Part 10	
[^{F126} drug testing requirement	Part 10A	section 291(3A)]
alcohol treatment requirement	Part 11	
alcohol abstinence and monitoring requirement	Part 12	section 291(1) or (2)
attendance centre requirement	Part 13	section 291(3)
electronic compliance monitoring requirement	Part 14	section 291(4)
electronic whereabouts monitoring requirement	Part 14	

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Textual Amendments

F126 Words in s. 287 table inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 15 para. 4](#)

Commencement Information

I207 S. 287 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

288 Operational period and supervision period

- (1) A suspended sentence order must specify the operational period (see section 286(3)(a)).
- (2) The operational period must be a period, beginning with the day on which the order is made, of—
 - (a) at least 6 months, and
 - (b) not more than 2 years.
- (3) If a suspended sentence order imposes any community requirement or requirements, the order must specify the supervision period (see section 286(2)).
- (4) The supervision period specified must be a period, beginning with the day on which the order is made, of—
 - (a) at least 6 months, and
 - (b) not more than—
 - (i) 2 years, or
 - (ii) if less, the operational period.
- (5) But if the suspended sentence order imposes an unpaid work requirement, the supervision period—
 - (a) continues until the offender has worked under the order for the number of hours specified in the order under paragraph 2(1) of Schedule 9, but
 - (b) does not continue beyond the end of the operational period.

Commencement Information

I208 S. 288 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

289 Suspended sentence to be treated generally as sentence of imprisonment etc

- (1) A suspended sentence which has not taken effect under paragraph 13 of Schedule 16 is to be treated as—
 - (a) a sentence of imprisonment, or
 - (b) as the case may be, a sentence of detention in a young offender institution, for the purposes of all enactments and instruments made under enactments.
- (2) Subsection (1) is subject to any provision to the contrary contained in—
 - (a) the Criminal Justice Act 1967,
 - (b) any enactment passed or instrument made under any enactment after 31 December 1967.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I209 S. 289 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Available community requirements

290 Suspended sentence order: available community requirements

- (1) A suspended sentence order may not impose a community requirement that is not an available requirement.
- (2) A community requirement is an available requirement in relation to a suspended sentence order unless a provision mentioned in column 3 of the entry for that requirement in the table in section 287 provides otherwise.

Commencement Information

I210 S. 290 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

291 Suspended sentence order: availability of particular requirements

Alcohol abstinence and monitoring requirement

- (1) An alcohol abstinence and monitoring requirement is not an available requirement unless regulations are in force under paragraph 25(7)(c) of Schedule 9 (prescribed arrangements for monitoring).
- (2) An alcohol abstinence and monitoring requirement imposing a requirement within paragraph 25(1)(a)(ii) of Schedule 9 (alcohol level to be kept below specified level) is not an available requirement unless regulations are in force under paragraph 25(7) (b) of that Schedule (prescribed alcohol level).

Attendance centre requirement

- (3) An attendance centre requirement is not an available requirement unless ^{[^{F127}—}
 - (a) the offender was convicted of the offence before the day on which section 152 of the Police, Crime, Sentencing and Courts Act 2022 came into force, and
 - (b) the offender was aged under 25 when convicted of the offence.]

^{[^{F128}}*Drug testing requirement*

- (3A) A drug testing requirement is not an available requirement if the offender was convicted of the offence before the day on which section 154 of the Police, Crime, Sentencing and Courts Act 2022 came into force.]

Electronic compliance monitoring requirement

- (4) An electronic compliance monitoring requirement is not an available requirement in relation to a suspended sentence order unless the suspended sentence order imposes at least one other available requirement, other than—
 - (a) an alcohol abstinence and monitoring requirement;

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (b) an electronic whereabouts monitoring requirement.

Textual Amendments

- F127** S. 291(3)(a)(b) and word substituted (28.6.2022) for words by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 152(3)**, 208(1); S.I. 2022/520, reg. 5(q)
- F128** S. 291(3A) and heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), **Sch. 15 para. 5**

Commencement Information

- I211** S. 291 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Exercise of power to impose community requirements

292 Suspended sentence order: exercise of power to impose requirements

- (1) This section applies where a court makes a suspended sentence order which imposes community requirements.
- (2) The power to impose a particular community requirement is subject to the provisions of the Part of Schedule 9 relating to requirements of that kind (see column 2 of the table in section 287).
- (3) If the suspended sentence order imposes two or more different community requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.
- (4) The court must also ensure, so far as practicable, that any community requirement imposed by a suspended sentence order is such as to avoid—
 - (a) any conflict with the offender's religious beliefs,
 - (b) any conflict with any other court order to which the offender may be subject, and
 - (c) any interference with the times, if any, at which the offender normally—
 - (i) works, or
 - (ii) attends any educational establishment,
 and satisfies any additional restrictions that the Secretary of State may specify in regulations.
- (5) Regulations under subsection (4) are subject to the negative resolution procedure.

Modifications etc. (not altering text)

- C93** S. 292 modified by 2006 c. 52, s. 200(1)(c)(ii) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

- I212** S. 292 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Provision for review of suspended sentence order with community requirements

293 Power to provide for review of suspended sentence order

- (1) A suspended sentence order which imposes one or more community requirements may make provision for the order to be reviewed periodically (“provision for review”).

This is subject to subsection (3).

- (2) Where an order contains provision for review, it must—
- specify the intervals at which the order is to be reviewed,
 - provide for each review to be made, subject to section 295, at a hearing held for the purpose by the responsible court (a “review hearing”),
 - require the offender to attend each review hearing, and
 - provide for a report by an officer of a provider of probation services on the offender's progress in complying with the community requirements of the order [^{F129}(a “progress report”)] to be made to the responsible court before each review.

- (3) If the suspended sentence order—
- imposes a drug rehabilitation requirement, and
 - contains provision for review under this section,
- the provision for review must not include provision relating to that requirement (but see paragraph 22 of Schedule 9 for separate provision about review of such a requirement).

- (4) In this section “the responsible court” in relation to a suspended sentence order means—
- if a court is specified in the order in accordance with subsection (5), that court;
 - otherwise, the court by which the order is made.

- (5) Where—
- a suspended sentence order is made by a magistrates' court, and
 - the offender's home local justice area is not the area in which the court acts,
- the order may specify that the responsible court is to be a magistrates' court which acts in the offender's home local justice area.

- (6) A suspended sentence order made on an appeal from—
- the Crown Court, or
 - the Court of Appeal,
- is to be taken for the purposes of subsection (4)(b) to have been made by the Crown Court.

[^{F130}(7) Nothing in this section applies in relation to suspended sentence orders which qualify for special procedures for the purposes of section 293A.]

Textual Amendments

F129 Words in s. 293(2)(d) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 5](#)

F130 S. 293(7) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 6](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

C94 S. 293 applied (with modifications) by 2006 c. 52, ss. 200, 203 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 25 paras. 19, 21 (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I213 S. 293 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

[^{F131}293A] Review of suspended sentence order qualifying for special procedures

- (1) A suspended sentence order that—
 - (a) imposes one or more community requirements, and
 - (b) qualifies for special procedures for the purposes of this section, may make provision for the order to be reviewed periodically (“provision for review”).
- (2) Where a suspended sentence order contains provision for review under this section, it must—
 - (a) specify the intervals at which the order is to be reviewed,
 - (b) provide for each review to be made, subject to section 294, at a hearing held for the purpose by the responsible court (a “review hearing”),
 - (c) require the offender to attend each review hearing, and
 - (d) provide for a report by an officer of a provider of probation services on the offender’s progress in complying with the community requirements of the order (a “progress report”) to be made to the responsible court before each review.
- (3) In this section “the responsible court”, in relation to a suspended sentence order, means the court by which the order is made.
- (4) For more about suspended sentence orders that qualify for special procedures, see section 395A.]

Textual Amendments

F131 S. 293A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(f), [Sch. 14 para. 7](#)

294 Review hearings: power to amend community requirements etc

- (1) This section applies where a review hearing is held on a review of a suspended sentence order by virtue of section 293 [^{F132}or 293A].
- (2) The court may, after considering the progress report, amend—
 - (a) the community requirements of the suspended sentence order, or
 - (b) any provision of the order which relates to those requirements.
- (3) But the court—
 - (a) may not amend the community requirements of the order so as to impose a requirement of a different kind unless the offender expresses willingness to comply with that requirement,
 - (b) may not amend—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (i) a mental health treatment requirement,
 - (ii) a drug rehabilitation requirement, or
 - (iii) an alcohol treatment requirement,unless the offender expresses willingness to comply with the requirement as amended,
 - (c) may amend the supervision period only if the period as amended complies with section 288(4),
 - (d) may not amend the operational period, and
 - (e) except with the consent of the offender, may not amend the order while an appeal against the order is pending.
- (4) For the purposes of subsection (3)(a)—
- (a) a community requirement of a kind within any entry in the table in section 287 is of the same kind as any other community requirement within that entry, and
 - (b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.
- (5) If the court is of the opinion that the offender has without reasonable excuse breached a community requirement of the order, the court may adjourn the hearing so that it can deal with the case [^{F133}forthwith] under paragraph 13 of Schedule 16 (powers of court to deal with offender on breach of requirement or subsequent conviction).
- [^{F134}(5A) For some powers available where the court is of the opinion referred to in subsection (5) but does not deal with the case forthwith, see paragraph 9A of Schedule 16.]
- (6) In this section—
- “review hearing”, and
 - “progress report”,
- have the meanings given by section 293(2) [^{F135}(or, as the case may be, section 293A(2))].

Textual Amendments

- F132** Words in s. 294(1) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), **Sch. 14 para. 8(2)**
- F133** Word in s. 294(5) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), **Sch. 14 para. 8(3)**
- F134** S. 294(5A) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), **Sch. 14 para. 8(4)**
- F135** Words in s. 294(6) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), **Sch. 14 para. 8(5)**

Commencement Information

- I214** S. 294 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

295 Suspended sentence order: alteration of periodic review arrangements

- (1) Subsections (2) and (3) apply where the court—
 - (a) considers the progress report relating to a review [^{F136}under section 293 or 293A] (the “current review”), and

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- (b) forms the opinion that the offender's progress in complying with the community requirements of the order is satisfactory.
- (2) If the court forms that opinion before a review hearing is held at the current review—
 - (a) it may order that no review hearing is to be held at the current review, and
 - (b) it may amend the suspended sentence order so as to provide for each subsequent review to be held without a review hearing.
- (3) If a review hearing is held at the current review, the court may at the hearing amend the suspended sentence order so as to provide for each subsequent review to be held without a review hearing.
- (4) If at a review held without a review hearing the court—
 - (a) considers the progress report, and
 - (b) forms the opinion that the offender's progress under the order is no longer satisfactory,
 it may require the offender to attend a hearing of the court at a specified time and place.
- (5) At a review hearing the court may amend the suspended sentence order so as to vary the intervals specified under section 293(2)(a) [^{F137}or 293A(2)(a)].
- (6) The functions of a court under this section that are exercisable in relation to a review without a hearing are to be exercised—
 - (a) in the case of the Crown Court, by a judge of the court, and
 - (b) in the case of a magistrates' court, by a justice of the peace.
- (7) In this section—
 - “review hearing”, and
 - “progress report”,
 have the meanings given by section 293(2) [^{F138}(or, as the case may be, section 293A(2))].

Textual Amendments

F136 Words in s. 295(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 9\(2\)](#)

F137 Words in s. 295(5) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 9\(3\)](#)

F138 Words in s. 295(7) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 9\(4\)](#)

Commencement Information

I215 S. 295 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Making a suspended sentence order with community requirements

296 Order to specify offender's home local justice area

- (1) A suspended sentence order which imposes any community requirement must specify the area which is the offender's home local justice area.
- (2) That area must be the local justice area in which the offender resides or will reside.

Status: Point in time view as at 03/07/2023.

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Commencement Information

I216 S. 296 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

297 Power to direct magistrates' court supervision of order

[^{F139}(1)] Where the Crown Court makes a suspended sentence order which imposes any community requirement, it may make a direction that the order is to be subject to magistrates' court supervision.

For the effect of such a direction, see Parts 2 and 3 of Schedule 16 (breach or amendment of a community requirement of a suspended sentence order).

[^{F140}(2) Subsection (1) does not apply to a suspended sentence order that qualifies for special procedures for the purposes of section 293A.]

Textual Amendments

F139 S. 297 renumbered as s. 297(1) (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), s. 208\(5\)\(r\), Sch. 14 para. 10\(2\)](#)

F140 S. 297(2) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), s. 208\(5\)\(r\), Sch. 14 para. 10\(3\)](#)

Commencement Information

I217 S. 297 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

298 Provision of copies of order and related documents

- (1) This section applies on the making by a court of a suspended sentence order which imposes one or more community requirements.
- (2) The court must forthwith provide copies of the order—
 - (a) to the offender,
 - (b) to the responsible officer,
 - (c) to an officer of a provider of probation services that is a public sector provider who is acting at the court, and
 - (d) if the court does not act in the offender's home local justice area, to a provider of probation services that is a public sector provider and is operating in that area.
- (3) If the order imposes any requirement specified in column 1 of the following table the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

The requirement

An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender.

The person to whom a copy must be provided

The person intended to be protected

Status: Point in time view as at 03/07/2023.

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A residence requirement relating to residence in an institution.	The person in charge of the institution
A mental health treatment requirement.	The person specified under paragraph 16(3)(b) (iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

- (4) If the court does not act in the offender's home local justice area, it must provide the magistrates' court acting in that area with—
- (a) a copy of the order, and
 - (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.
- (5) In subsection (2) “public sector provider” means—
- (a) a probation trust or other public body, or
 - (b) the Secretary of State.

Modifications etc. (not altering text)

- C95** S. 298 modified by 2006 c. 52, s. 200(1)(c)(iii) (as substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))
- C96** S. 298(4) excluded by 2006 s. 52, ss. 200, 202 (as amended (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 25 paras. 19, 20\(c\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

- I218** S. 298 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

*Suspended sentence order with community requirement:
obligations of responsible officer and offender*

299 Responsible officer

- (1) This section applies for the purposes of this Chapter in relation to a suspended sentence order made in respect of an offender which imposes one or more community requirements.
- (2) “The responsible officer”, in relation to the offender, means the person who for the time being is responsible for discharging the functions conferred by this Chapter on the responsible officer in accordance with arrangements made by the Secretary of State.
- (3) The responsible officer must be—
 - (a) an officer of a provider of probation services, or
 - (b) a person responsible for monitoring the offender in accordance with an electronic monitoring requirement imposed by the order.

Commencement Information

I219 S. 299 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

300 Obligations of responsible officer

- (1) This section applies during the supervision period of a suspended sentence order which imposes any community requirement.

Functions of the responsible officer

- (2) The responsible officer must—
 - (a) make any arrangements that are necessary in connection with the requirements imposed by the order, and
 - (b) promote the offender's compliance with those requirements.
- (3) This is subject to paragraph 16(6) of Schedule 9 (in-patient treatment under mental health treatment requirement).

Exercise of functions by responsible officer

- (4) The responsible officer must also ensure, as far as practicable, that any instruction given or requirement imposed by the responsible officer is such as to avoid—
 - (a) any conflict with the offender's religious beliefs,
 - (b) any conflict with the requirements of any other court order to which the offender may be subject, and
 - (c) any interference with the times, if any, at which the offender normally—
 - (i) works, or
 - (ii) attends any educational establishment,and satisfies any additional restrictions that the Secretary of State may specify in regulations.
- (5) Regulations under subsection (4) are subject to the negative resolution procedure.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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

I220 S. 300 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

301 Duty of offender to keep in touch with responsible officer

- (1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.
- (2) The offender must keep in touch with the responsible officer in accordance with such instructions as the responsible officer may give the offender from time to time.
- (3) That obligation is enforceable as if it were a community requirement imposed by the suspended sentence order.

Commencement Information

I221 S. 301 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

302 Duty to obtain permission before changing residence

- (1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.

But it does not apply if the order includes a residence requirement (see paragraph 13 of Schedule 9).
- (2) The offender must not change residence without permission given in accordance with this section by—
 - (a) the responsible officer, or
 - (b) a court.
- (3) The obligation imposed by subsection (2) has effect as if it were a community requirement imposed by the suspended sentence order.
- (4) The appropriate court may, on an application made by the offender, give permission in a case in which the responsible officer has refused.
- (5) A court may also give permission in any proceedings before it under Schedule 16 (breach or amendment of orders etc).
- (6) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—
 - (a) is likely to prevent the offender complying with a requirement imposed by the suspended sentence order, or
 - (b) would hinder the offender's rehabilitation.
- (7) The responsible officer must refuse an application for permission if—
 - (a) the offender's present residence is in England or Wales, and
 - (b) the offender's proposed residence is outside England and Wales.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

(8) For cases in which a suspended sentence order has to be amended because of permission given under this section, see paragraph 23 of Schedule 16 (amendment to reflect change in local justice area).

(9) In this section “the appropriate court” has the same meaning as in Schedule 16.

Modifications etc. (not altering text)

C97 S. 302 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

I222 S. 302 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Activation of sentence and amendment of order etc

303 Breach or amendment of suspended sentence order, and effect of further conviction

Schedule 16 makes provision about—

- (a) the effect of any further conviction where an offender is subject to a suspended sentence order, and
- (b) breach or amendment of the community requirements of a suspended sentence order.

Commencement Information

I223 S. 303 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Transferring order with community requirements to Scotland or Northern Ireland

304 Transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements

Schedule 17 makes provision about the transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements.

Commencement Information

I224 S. 304 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Interpretation

305 Suspended sentences: interpretation

In this Chapter—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

“the operational period”, in relation to a suspended sentence, means the period specified under—

- (a) section 288(1), or
- (b) paragraph 13(1)(d)(iii) of Schedule 16 (extension of operational period on breach of order);

“sentence of imprisonment” does not include a committal for contempt of court or any kindred offence;

“the supervision period”, in relation to a suspended sentence, means the period (if any) specified under—

- (a) section 288(3),
- (b) section 294 (review of order), or
- (c) paragraph 13(1)(d)(ii) of Schedule 16 (extension of supervision period on breach of order),

but subject to section 288(5) (extension to allow completion of unpaid work requirement).

Commencement Information

I225 S. 305 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

CHAPTER 6

DANGEROUS OFFENDERS

Interpretation

306 Extended sentences: meaning of “specified offence” etc

(1) An offence is a “specified offence” for the purposes of this Code if it is—

- (a) a specified violent offence,
- (b) a specified sexual offence, or
- (c) a specified terrorism offence.

(2) In this Part—

“serious harm” means death or serious personal injury, whether physical or psychological;

[^{F141}“serious terrorism offence” means an offence that—

- ((a)) is specified in Part 1 of Schedule 17A, or
- ((b)) is specified in Part 2 of that Schedule and has been determined to have a terrorist connection under section 69;]

“specified violent offence” means an offence specified in Part 1 of Schedule 18;

“specified sexual offence” means an offence specified in Part 2 of that Schedule;

“specified terrorism offence” means an offence specified in Part 3 of that Schedule.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Textual Amendments

F141 Words in s. 306(2) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 2(a), 50(2)(b)**

Commencement Information

I226 S. 306 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

307 Life sentences: meaning of “Schedule 19 offence”

- (1) In this Part “Schedule 19 offence” means an offence listed in Schedule 19 (certain specified offences carrying maximum sentence on indictment of imprisonment for life).
- (2) For the purposes of Schedule 19, an offence found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, must be taken to have been committed on the last of those days.

Commencement Information

I227 S. 307 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

The assessment of dangerousness

308 The assessment of dangerousness

- (1) This section applies where it falls to a court to assess under any of the following provisions (which apply where an offender has committed a specified offence, however described) whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences—
 - (a) section 255, 267 or 280 (extended sentence for certain violent, sexual or terrorism offences);
 - ^[F142](aa) section 268B or 282B (serious terrorism sentence);
 - (b) section 258, 274 or 285 (required life sentence for Schedule 19 offence).
- (2) In making that assessment, the court—
 - (a) must take into account all the information that is available to it about the nature and circumstances of the offence,
 - (b) may take into account all the information that is available to it about the nature and circumstances of any other offences of which the offender has been convicted by a court anywhere in the world,
 - (c) may take into account any information which is before it about any pattern of behaviour of which any of the offences mentioned in paragraph (a) or (b) forms part, and
 - (d) may take into account any information about the offender which is before it.
- (3) The reference in subsection (2)(b) to a conviction by a court includes a reference to—
 - (a) a conviction of an offence in—

Status: Point in time view as at 03/07/2023.

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- (i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), or
 - (ii) any proceedings before a Standing Civilian Court;
- (and “conviction” here includes the recording of a finding that a charge in respect of the offence has been proved), and
- (b) a conviction of—
 - (i) a service offence within the meaning of the Armed Forces Act 2006, or
 - (ii) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059),
 (and “conviction” here includes anything that under section 376(1) and (2) of the Armed Forces Act 2006 is to be treated as a conviction).

Textual Amendments

F142 S. 308(1)(aa) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), Sch. 13 para. 11(15)

Modifications etc. (not altering text)

C98 S. 308(2)(3) applied (with modifications) by 2006 c. 52, s. 223(2)(3) (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 43(2)(3) (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

Commencement Information

I228 S. 308 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Supplementary

309 Appeals where previous convictions set aside or previous sentences modified

- (1) Subsection (3) applies where—
 - (a) a sentence has been imposed on a person under section 273 or 283 (life sentence for second listed offence),
 - (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 273(5) or 283(5) would not have been met.
- (2) Subsection (3) also applies where—
 - (a) a sentence has been imposed on a person under section 266 or 279 (extended sentences for adults),
 - (b) the earlier offence condition was met but the 4 year term condition was not, and
 - (c) any previous conviction of that person's without which the earlier offence condition would not have been met has been subsequently set aside on appeal.

For this purpose, references to the earlier offence condition and the 4 year term condition are to be read in accordance with 267 or 280 (as the case may be).

Status: Point in time view as at 03/07/2023.

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- (3) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968, 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.
- (4) Subsection (5) applies where—
- (a) a sentence has been imposed on a person under section 273 or 283,
 - (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 273(5) or 283(5) would not have been met.
- (5) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968, notice of appeal against the sentence mentioned in subsection (4)(a) may be given at any time within 28 days from the date on which the previous sentence was modified.

Commencement Information

I229 S. 309 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

310 Certificates of conviction

Where—

- (a) a person is convicted in England and Wales of an offence listed in Schedule 14 or 15,
- (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 day, and
- (c) that court subsequently certifies that fact,

that certificate is evidence, for the purposes of section 267, 273, 280 or 283 (extended sentences for adults and life sentences for second listed offence), that the person was convicted of such an offence on that day.

Commencement Information

I230 S. 310 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

CHAPTER 7

MINIMUM SENTENCES FOR PARTICULAR OFFENCES

Minimum sentence for single offence

311 Minimum sentence for certain offences involving firearms that are prohibited weapons

- (1) This section applies where—
- (a) a person is convicted of an offence listed in Schedule 20 (certain offences involving firearms that are prohibited weapons), and
 - (b) the offender was aged 16 or over when the offence was committed.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (2) The court must impose an appropriate custodial sentence for a term of at least the required minimum term unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) justify not doing so.
- (3) In this section “appropriate custodial sentence” means—
- (a) in the case of a person who is aged under 18 when convicted, a sentence of detention under section 250 [^{F143}or, in a case to which section 252A applies, under that section];
 - (b) in the case of a person who is aged 18 or over but under 21 when convicted, a sentence of detention in a young offender institution (and includes, if the offence is an offence for which a person aged 21 or over would be liable to imprisonment for life, a sentence of custody for life);
 - (c) in the case of a person who is aged 21 or over when convicted, a sentence of imprisonment.
- (4) In this section “the required minimum term” means—
- (a) in the case of an offender who was aged under 18 when the offence was committed, 3 years;
 - (b) in the case of an offender who was aged 18 or over when the offence was committed, 5 years.
- But this is subject to subsection (5).
- (5) In the case of an offence within paragraph 5 of Schedule 20, “the required minimum term” means—
- (a) in the case of an offender who was aged under 18 when convicted, 3 years;
 - (b) in the case of an offender who was aged 18 or over when convicted, 5 years.

Textual Amendments

F143 Words in s. 311(3) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(20\)](#)

Modifications etc. (not altering text)

C99 S. 311 power to apply (with modifications) conferred by [1988 c. 45, s. 1\(4B\)](#) (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 94\(3\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

C100 S. 311 applied (with modifications) by [2006 c. 52, s. 227](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 48\(3\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

I231 S. 311 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

312 Minimum sentence for offences of threatening with weapon or bladed article

- (1) This section applies where a person aged 16 or over is convicted of an offence under—
- (a) section 1A of the Prevention of Crime Act 1953 (offence of threatening with offensive weapon in public), or
 - (b) section 139AA of the Criminal Justice Act 1988 (offence of threatening with article with blade or point or offensive weapon).

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (2) ^{F144}If the offence was committed before the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court] must impose an appropriate custodial sentence unless the court is of the opinion that there are particular circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- ^{F145}(2A) If the offence was committed on or after the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court must impose an appropriate custodial sentence unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) justify not doing so.]
- (3) In this section “appropriate custodial sentence” means—
- (a) in the case of a person who is aged 16 or over but under 18 when convicted, a detention and training order of at least 4 months;
 - (b) in the case of a person who is aged 18 or over but under 21 when convicted, a sentence of detention in a young offender institution for a term of at least 6 months;
 - (c) in the case of a person who is aged 21 or over when convicted, a sentence of imprisonment for a term of at least 6 months.
- ^{F146}(4) This section is subject to section 252A.]

Textual Amendments

F144 Words in s. 312(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(2\)\(a\)](#), [208\(5\)\(k\)](#)

F145 [S. 312\(2A\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(2\)\(b\)](#), [208\(5\)\(k\)](#)

F146 [S. 312\(4\)](#) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [s. 50\(1\)\(i\)](#), [Sch. 13 para. 26\(21\)](#)

Commencement Information

I232 [S. 312](#) in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Minimum sentence for repeat offences

313 Minimum sentence of 7 years for third class A drug trafficking offence

- (1) This section applies where—
- (a) a person is convicted of a class A drug trafficking offence (“the index offence”) committed on or after 1 October 1997,
 - (b) when the index offence was committed, the offender—
 - (i) was aged 18 or over, and
 - (ii) had 2 other relevant drug convictions, and
 - (c) one of the offences to which those other relevant drug convictions related was committed after the offender had been convicted of the other.

Status: Point in time view as at 03/07/2023.

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- (2) [^{F147}If the index offence was committed before the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court] must impose an appropriate custodial sentence for a term of at least 7 years unless the court is of the opinion that there are particular circumstances which—
- (a) relate to any of the offences or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- [^{F148}(2A) If the index offence was committed on or after the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court must impose an appropriate custodial sentence for a term of at least 7 years unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to any of the offences or to the offender, and
 - (b) justify not doing so.]
- (3) For the purposes of subsection (1), “relevant drug conviction” means—
- (a) a conviction in any part of the United Kingdom of a class A drug trafficking offence,
 - ^{F149}(b)
 - (c) a conviction of an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a class A drug trafficking offence, [^{F150}or]
 - (d) a conviction of an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 in respect of which the corresponding civil offence (within the meaning of the Act in question) is a class A drug trafficking offence, ^{F151}...
 - ^{F151}(e)
- [^{F152}(3A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), for the purposes of subsection (1) “relevant drug conviction” also includes—
- (a) a conviction in a member State of an offence committed on or after 16 August 2010 which would, if committed in the United Kingdom at the time of the conviction, have constituted a class A drug trafficking offence, and
 - (b) a conviction of a member State service offence committed on or after 16 August 2010 which would have constituted a class A drug offence if committed in England and Wales at the time of conviction.]
- (4) Where—
- (a) a person is charged with a class A drug trafficking offence (which, apart from this subsection, would be triable either way), and
 - (b) the circumstances are such that, if convicted of the offence, the person could be sentenced for it under subsection (2) [^{F153}or (2A)],
- the offence is to be triable only on indictment.
- (5) In this section “class A drug trafficking offence” means a drug trafficking offence committed in respect of a class A drug; and for this purpose—
- “class A drug” has the same meaning as in the Misuse of Drugs Act 1971;
- “drug trafficking offence” means an offence which is specified in—
- (a) paragraph 1 of Schedule 2 to the Proceeds of Crime Act 2002 (drug trafficking offences), or

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(b) so far as it relates to that paragraph, paragraph 10 of that Schedule.

(6) In this section “an appropriate custodial sentence” means—

- (a) in relation to an offender who is aged 21 or over when convicted of the index offence, a sentence of imprisonment;
- (b) in relation to an offender who is aged under 21 when convicted of the index offence, a sentence of detention in a young offender institution (and includes, if the index offence is an offence for which a person aged 21 or over would be liable to imprisonment for life, a sentence of custody for life).

Textual Amendments

- F147** Words in s. 313(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(3\)\(a\)](#), [208\(5\)\(k\)](#)
- F148** [S. 313\(2A\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(3\)\(b\)](#), [208\(5\)\(k\)](#)
- F149** [S. 313\(3\)\(b\)](#) omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 90\(1\)\(a\)](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520](#), [regs. 1\(1\)](#), [5\(8\)\(a\)](#))
- F150** Word in s. 313(3)(c) inserted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 90\(1\)\(b\)](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520](#), [regs. 1\(1\)](#), [5\(8\)\(a\)](#))
- F151** [S. 313\(3\)\(e\)](#) and word omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 90\(1\)\(c\)](#) (with [Sch. 27](#)) (as amended by [S.I. 2020/1520](#), [regs. 1\(1\)](#), [5\(8\)\(a\)](#))
- F152** [S. 313\(3A\)](#) inserted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 90\(2\)](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), [regs. 1\(1\)](#), [5\(8\)\(b\)](#))
- F153** Words in s. 313(4)(b) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(3\)\(c\)](#), [208\(5\)\(k\)](#)

Modifications etc. (not altering text)

- C101** [S. 313](#) applied by [2006 c. 52](#), [s. 225](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 46](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))
- C102** [S. 313](#) modified (31.12.2020) by [2006 c. 52](#), [s. 225\(1A\)](#) (as inserted by [2020 c. 17](#), [Sch. 26 para. 15A](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), [regs. 1\(1\)](#), [6\(4\)](#)))
- C103** [S. 313\(2\)](#) excluded by [2006 c. 52](#), [s. 239\(5\)](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 54\(b\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

- I233** [S. 313](#) in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

314 Minimum sentence of 3 years for third domestic burglary

(1) This section applies where—

- (a) a person is convicted of a domestic burglary (“the index offence”) committed on or after 1 December 1999,
- (b) when the index offence was committed—
 - (i) the offender was aged 18 or over, and
 - (ii) had 2 other relevant domestic burglary convictions, and
- (c) one of the burglaries to which those other relevant domestic burglary convictions relate was committed after the person had been convicted of the other.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (2) [^{F154}If the index offence was committed before the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court] must impose an appropriate custodial sentence for a term of at least 3 years unless the court is of the opinion that there are particular circumstances which—
- (a) relate to any of the offences or to the offender, and
 - (b) would make it unjust to do so in all the circumstances.
- [^{F155}(2A) If the index offence was committed on or after the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court must impose an appropriate custodial sentence for a term of at least 3 years unless the court is of the opinion that there are exceptional circumstances which—
- (a) relate to any of the offences or to the offender, and
 - (b) justify not doing so.]
- (3) For the purposes of subsection (1), “relevant domestic burglary conviction” means—
- (a) a conviction in England and Wales of a domestic burglary committed on or after 1 December 1999,
 - (b) a conviction in another part of the United Kingdom ^{F156}... of an offence committed on or after 16 August 2010 which would have constituted an offence of domestic burglary, if committed in England and Wales at the time of the conviction,
 - (c) a conviction of an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is an offence of domestic burglary, [^{F157} or]
 - (d) a conviction of an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 committed on or after 1 December 1999 in respect of which the corresponding civil offence (within the meaning of the Act in question) is an offence of domestic burglary, ^{F158} ...
 - ^{F158}(e)
- [^{F159}(3A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), for the purposes of subsection (1) “relevant domestic burglary conviction” also includes—
- (a) a conviction in a member State of an offence committed on or after 16 August 2010 which would have constituted an offence of domestic burglary, if committed in England and Wales at the time of the conviction, and
 - (b) a conviction of a member State service offence committed on or after 16 August 2010 which would have constituted an offence of domestic burglary if committed in England and Wales at the time of conviction.]
- (4) Where—
- (a) a person is charged with a domestic burglary which, apart from this subsection, would be triable either way, and
 - (b) the circumstances are such that, if convicted of the burglary, the person could be sentenced for it under subsection (2) [^{F160} or (2A)],
- the burglary is to be triable only on indictment.
- (5) In this section “domestic burglary” means a burglary committed in respect of a building or part of a building which is a dwelling.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (6) In this section “an appropriate custodial sentence” means—
- (a) in relation to a person who is aged 21 or over when convicted of the index offence, a sentence of imprisonment;
 - (b) in relation to a person who is aged under 21 when convicted of the index offence, a sentence of detention in a young offender institution.

Textual Amendments

- F154** Words in s. 314(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(4\)\(a\)](#), 208(5)(k)
- F155** S. 314(2A) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(4\)\(b\)](#), 208(5)(k)
- F156** Words in s. 314(3)(b) omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 91\(1\)\(a\)](#) (with [Sch. 27](#)) (as amended by S.I. 2020/1520, regs. 1(1), 5(9)(a))
- F157** Word in s. 314(3)(c) inserted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 91\(1\)\(b\)](#) (with [Sch. 27](#)) (as amended by S.I. 2020/1520, regs. 1(1), 5(9)(a))
- F158** S. 314(3)(e) and word omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 91\(1\)\(c\)](#) (with [Sch. 27](#)) (as amended by S.I. 2020/1520, regs. 1(1), 5(9)(a))
- F159** S. 314(3A) inserted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 91\(2\)](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(9\)\(b\)](#))
- F160** Words in s. 314(4)(b) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(4\)\(c\)](#), 208(5)(k)

Modifications etc. (not altering text)

- C104** S. 314 applied by [2006 c. 52](#), [s. 226](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 47](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))
- C105** S. 314 modified (31.12.2020) by [2006 c. 52](#), [s. 226\(1A\)](#) (as inserted by [2020 c. 17](#), [Sch. 26 para. 15B](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [6\(4\)](#)))
- C106** S. 314(2) excluded by [2006 c. 52](#), [s. 239\(5\)](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 54\(b\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

Commencement Information

- I234** S. 314 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

315 Minimum sentence for repeat offence involving weapon or bladed article ^{F161}or corrosive substance]

- (1) This section applies where—
- (a) an offender is convicted of an offence (the “index offence”) under—
 - (i) section 1(1) of the Prevention of Crime Act 1953 (carrying offensive weapon without lawful authority or reasonable excuse),
 - (ii) section 139(1) of the Criminal Justice Act 1988 (having article with blade or point in public place), ^{F162}...
 - (iii) section 139A(1) or (2) of that Act (having article with blade or point or offensive weapon on education premises), ^{F163}or
 - (iv) section 6(1) of the Offensive Weapons Act 2019 (offence of having a corrosive substance in a public place),]
 - (b) the offence was committed on or after ^{F164}the relevant date], and

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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) when the offence was committed, the offender—
 - (i) was aged at least 16, and
 - (ii) had at least one relevant conviction.

[^{F165}(1A) In subsection (1)(b), “the relevant date” means—

- (a) in relation to an offence under section 6(1) of the Offensive Weapons Act 2019, [^{F166}6th April 2022];
- (b) in any other case, 17 July 2015.]

(2) [^{F167}If the index offence was committed before the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court] must impose an appropriate custodial sentence unless the court is of the opinion that there are particular circumstances which—

- (a) relate to the offence, to the previous offence or to the offender, and
- (b) would make it unjust to do so in all the circumstances.

[^{F168}(2A) If the index offence was committed on or after the day on which section 124 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the court must impose an appropriate custodial sentence unless the court is of the opinion that there are exceptional circumstances which—

- (a) relate to the offence, to the previous offence or to the offender, and
- (b) justify not doing so.]

(3) In [^{F169}subsections (2) and (2A)] “appropriate custodial sentence” means—

- (a) in the case of a person aged under 18 when convicted of the index offence, a detention and training order of at least 4 months;
- (b) in the case of a person aged 18 or over but under 21 when convicted of the index offence, a sentence of detention in a young offender institution for a term of at least 6 months;
- (c) in the case of a person aged 21 or over when convicted of the index offence, a sentence of imprisonment for a term of at least 6 months.

(4) In this section, “relevant conviction” means—

- (a) a conviction of a relevant offence,
- (b) a conviction in another part of the United Kingdom ^{F170}... of a civilian offence which would have constituted a relevant offence if committed in England and Wales at the time of the conviction (whenever the offence was in fact committed),
- (c) a conviction of an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a relevant offence, [^{F171}or]
- (d) a conviction of an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 in respect of which the corresponding civil offence (within the meaning of the Act in question) is a relevant offence, ^{F172}...

^{F172}(e)

[^{F173}(4A) If the proceedings for the index offence were instituted before IP completion day (see section 397(5)), for the purposes of this section “relevant conviction” also includes—

- (a) a conviction in a member State of a civilian offence which would have constituted a relevant offence if committed in England and Wales at the time of the conviction (whenever the offence was in fact committed), and

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- (b) a conviction of a member State service offence which would have constituted a relevant offence if committed in England and Wales at the time of conviction (whenever the offence was in fact committed).]
- (5) In this section, “relevant offence” means an offence under—
- (a) section 1 or 1A of the Prevention of Crime Act 1953 (offences involving offensive weapons), ^{F174}...
 - (b) section 139, 139A or 139AA of the Criminal Justice Act 1988 (offences involving article with blade or point or offensive weapon), ^{F175}or
 - (c) section 6 of the Offensive Weapons Act 2019 (offence of having corrosive substance in a public place)]
- ^{F176}(6) This section is subject to section 252A.]

Textual Amendments

- F161** Words in s. 315 heading inserted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(5)** (with Sch. 27); S.I. 2022/415, reg. 2
- F162** Word in s. 315(1)(a)(ii) omitted (6.4.2022) by virtue of Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(2)(a)(i)** (with Sch. 27); S.I. 2022/415, reg. 2
- F163** S. 315(1)(a)(iv) and word inserted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(2)(a)(ii)** (with Sch. 27); S.I. 2022/415, reg. 2
- F164** Words in s. 315(1)(b) substituted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(2)(b)** (with Sch. 27); S.I. 2022/415, reg. 2
- F165** S. 315(1A) inserted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(3)** (with Sch. 27); S.I. 2022/415, reg. 2
- F166** Words in s. 315(1A) substituted (6.4.2022) by The Sentencing Act 2020 (Commencement No. 1) (England and Wales) Regulations 2022 (S.I. 2022/415), regs. 1(3), **3(2)**
- F167** Words in s. 315(2) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 124(5)(a), 208(5)(k)**
- F168** S. 315(2A) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 124(5)(b), 208(5)(k)**
- F169** Words in s. 315(3) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 124(5)(c), 208(5)(k)**
- F170** Words in s. 315(4)(b) omitted (31.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 417(9), **Sch. 22 para. 92(1)(a)** (with Sch. 27) (as amended by S.I. 2020/1520, regs. 1(1), 5(10)(a))
- F171** Word in s. 315(4)(c) inserted (31.12.2020) by Sentencing Act 2020 (c. 17), s. 417(9), **Sch. 22 para. 92(1)(b)** (with Sch. 27) (as amended by S.I. 2020/1520, regs. 1(1), 5(10)(a))
- F172** S. 315(4)(e) and word omitted (31.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 417(9), **Sch. 22 para. 92(1)(c)** (with Sch. 27) (as amended by S.I. 2020/1520, regs. 1(1), 5(10)(a))
- F173** S. 315(4A) inserted (31.12.2020) by Sentencing Act 2020 (c. 17), **Sch. 22 para. 92(2)** (as inserted by S.I. 2020/1520, regs. 1(1), **5(10)(b)**)
- F174** Word in s. 315(5)(a) omitted (6.4.2022) by virtue of Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(4)(a)** (with Sch. 27); S.I. 2022/415, reg. 2
- F175** S. 315(5)(c) and word inserted (6.4.2022) by Sentencing Act 2020 (c. 17), s. 417(1), **Sch. 22 para. 82(4)(b)** (with Sch. 27); S.I. 2022/415, reg. 2
- F176** S. 315(6) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 26(22)**

Commencement Information

- I235** S. 315 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

316 Appeals where previous convictions set aside

- (1) This section applies where—
- (a) a sentence has been imposed on an offender under subsection (2) [^{F177} or (2A)] of any of the following sections—
 - (i) section 313,
 - (ii) section 314, or
 - (iii) section 315,
 - (b) a previous conviction of the offender is subsequently set aside on appeal, and
 - (c) without the previous conviction the section would not have applied.
- (2) Notice of appeal against the sentence may be given at any time within 28 days from the day on which the previous conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968).

Textual Amendments

F177 Words in s. 316(1)(a) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(6\), 208\(5\)\(k\)](#)

Modifications etc. (not altering text)

C107 S. 316 applied (with modifications) by 2007 c. ii, s. 8(8) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 265](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

Commencement Information

I236 S. 316 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

317 Certificates of conviction for purposes of sections 313 and 314

- (1) [^{F178}Subsection (2)] applies where an offender is convicted—
- (a) in England and Wales of—
 - (i) a class A drug trafficking offence, or
 - (ii) a domestic burglary,
 - (b) in any part of the United Kingdom other than England and Wales of a class A drug trafficking offence,
 - (c) ^{F179}... or
 - (d) in any part of the United Kingdom other than England and Wales^{F180}... of a corresponding domestic burglary offence.
- (2) A certificate, given in accordance with subsection (3), of either or both of the following—
- (a) that the offender was convicted of that offence on the date of the conviction;
 - (b) that the offence was committed on a particular day, or over, or at some time during, a particular period,
- is evidence for the purposes of section 313 or 314 of the facts so certified.

[^{F181}(2A) Subsection (2B) applies where an offender has been convicted—

- (a) in any member State of a corresponding drug trafficking offence, or
- (b) in any member State of a corresponding domestic burglary offence.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (2B) For the purposes of section 313 or 314 as it applies where the proceedings were instituted before IP completion day (see section 397(5)), a certificate given in accordance with subsection (3) of either or both of the following is evidence of the facts so certified—
- (a) that the offender was convicted of that offence on the date of the conviction;
 - (b) that the offence was committed on a particular day, or over, or at some time during, a particular period.]
- (3) A certificate is given in accordance with this subsection if it is—
- (a) given—
 - (i) by the court by or before which the offender was convicted of the offence, and
 - (ii) in the case of a court in the United Kingdom, after the court has stated in open court the facts certified by it, and
 - (b) in the case of a certificate given by a court outside the United Kingdom, signed by the proper officer of the court.
- (4) In this section—
- “proper officer” means the clerk of the court, that clerk's deputy or any other person having custody of the court record;
 - “class A drug trafficking offence” and “domestic burglary” have the same meanings as in sections 313 and 314 respectively;
 - “corresponding drug trafficking offence” means an offence within section 313(3)(b) [^{F182}or (3A)(a)];
 - “corresponding domestic burglary offence” means an offence within section 314(3)(b) [^{F183}or (3A)(a)].

Textual Amendments

- F178** Words in s. 317(1) substituted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 93\(2\)\(a\)](#) (as substituted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(11\)\(a\)](#))
- F179** S. 317(1)(c) omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 93\(2\)\(b\)](#) (as substituted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(11\)\(a\)](#))
- F180** Words in s. 317(1)(d) omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 93\(2\)\(c\)](#) (as substituted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(11\)\(a\)](#))
- F181** S. 317(2A)(2B) inserted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 93\(2A\)](#) (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(11\)\(b\)](#))
- F182** Words in s. 317(4) inserted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 93\(4\)\(a\)](#) (as substituted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(11\)\(d\)](#))
- F183** Words in s. 317(4) inserted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 93\(4\)\(b\)](#) (as substituted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(11\)\(d\)](#))

Commencement Information

- I237** S. 317 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

318 Offences under service law

(1) In sections 313 to 315 and this section—

“civilian offence” means an offence other than—

- (a) an offence under section 42 of the Armed Forces Act 2006,
- (b) an offence under section 70 of the Army Act 1995, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957, or
- (c) a member State service offence;

“conviction” includes—

- (a) in relation to an offence under section 42 of the Armed Forces Act 2006, anything which by virtue of section 376(1) and (2) of that Act is to be treated as a conviction, and
- (b) in relation to an offence under section 42 of the Naval Discipline Act 1957 and a member State service offence, a finding of guilt in respect of the person;

“member State service offence” means an offence which was the subject of proceedings under the law of a member State other than the United Kingdom governing all or any of the naval, military or air forces of that State.

(2) For the purposes of section 313(3)(c) [^{F184}and (3A)(b)] (class A drug trafficking which is an offence under section 42 of Armed Forces Act 2006 and corresponding member State service offences), where the offence was committed in a way described in paragraph 10 of Schedule 2 to the Proceeds of Crime Act 2002 (attempting, conspiring, encouraging, assisting, aiding, abetting, etc) in relation to an act that, if done in England and Wales, would have constituted another offence listed in paragraph 1 of that Schedule, it must be assumed that that act was done (or would have been done) in England and Wales.

(3) For the purposes of—

- (a) section 314(3)(c) [^{F185}and (3A)(b)] (domestic burglary convictions under section 42 of Armed Forces Act 2006 or corresponding member State service offences), and
- (b) section 315(4)(c) and (d) (relevant weapons offences under that section or corresponding offences under previous legislation relating to the armed forces),

where the offence was committed by aiding, abetting, counselling or procuring, it must be assumed that the act aided, abetted, counselled or procured was done in England and Wales.

Textual Amendments

F184 Words in s. 318(2) substituted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 94\(2\)](#) (as substituted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(12\)](#))

F185 Words in s. 318(3)(a) substituted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 94\(3\)](#) (as substituted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(12\)](#))

Commencement Information

I238 S. 318 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

Minimum sentences: supplementary

319 Mandatory sentence requirement not to affect power to impose fine

Nothing in this Chapter which requires the court to impose a particular term of imprisonment or other custodial sentence is to be taken to prevent the court from exercising any power to impose a fine in addition to the custodial sentence.

Commencement Information

I239 S. 319 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

320 Determination of day when offence committed

Where an offence is found to have been committed—

- (a) over a period of 2 or more days, or
- (b) at some time during a period of 2 or more days,

it is to be taken for the purposes of sections 311, [^{F186}312,] 313, 314 and 315 to have been committed on the last of those days.

Textual Amendments

F186 Word in [s. 320](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 124\(7\), 208\(5\)\(k\)](#)

Commencement Information

I240 S. 320 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

CHAPTER 8

EFFECT OF LIFE SENTENCES

321 Life sentence: minimum term order or whole life order

- (1) Where a court passes a life sentence, it must make an order under this section.
- (2) The order must be a minimum term order unless the court is required to make a whole life order under subsection (3).
- (3) The order must be a whole life order if—
 - (a) [^{F187}the case is within subsection (3A) or (3B)], and
 - (b) the court is of the opinion that, because of the seriousness of—
 - (i) the offence, or
 - (ii) the combination of the offence and one or more offences associated with it,it should not make a minimum term order.

[^{F188}(3A) A case is within this subsection if the offender was aged 21 or over when the offence was committed.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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)

- (3B) A case is within this subsection if—
- (a) the offence was committed on or after the day on which section 126 of the Police, Crime, Sentencing and Courts Act 2022 came into force, and
 - (b) the offender was aged 18 or over but under 21 when the offence was committed.
- (3C) In a case within subsection (3B), the court may arrive at the opinion set out in subsection (3)(b) only if it considers that the seriousness of the offence, or combination of offences, is exceptionally high even by the standard of offences which would normally result in a whole life order in a case within subsection (3A).]
- (4) A minimum term order is an order that the early release provisions (see section 324) are to apply to the offender as soon as the offender has served the part of the sentence which is specified in the order in accordance with section 322 or 323 (“the minimum term”).
- (5) A whole life order is an order that the early release provisions are not to apply to the offender.

Textual Amendments

F187 Words in s. 321(3)(a) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 126\(2\)\(a\)](#), 208(5)(l)

F188 S. 321(3A)-(3C) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 126\(2\)\(b\)](#), 208(5)(l)

Modifications etc. (not altering text)

C108 Ss. 321-324 modified by 2006 c. 52, s. 261A (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 60](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)) (as amended (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 129(2), 208(1); [S.I. 2022/520, reg. 5\(1\)](#))

Commencement Information

I241 S. 321 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

322 Mandatory life sentences: further provision

- (1) This section applies where a court passes a life sentence for an offence the sentence for which is fixed by law.

Minimum term

- (2) If the court makes a minimum term order, the minimum term must be such part of the offender's sentence as the court considers appropriate taking into account—
- (a) the seriousness of—
 - (i) the offence, or
 - (ii) the combination of the offence and any one or more offences associated with it, and
 - (b) the effect that the following would have if the court had sentenced the offender to a term of imprisonment—
 - (i) section 240ZA of the Criminal Justice Act 2003 (crediting periods of remand in custody);

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(ii) and section 240A of that Act (crediting periods on bail subject to certain restrictions);

including the effect of any declaration that the court would have made under section 325 or 327 (specifying periods of remand on bail subject to certain restrictions or in custody pending extradition).

Determination of seriousness

(3) In considering the seriousness of the offence, or of the combination of the offence and one or more offences associated with it, under—

- (a) section 321(3) [^{F189}or (3C)] (determining whether to make a whole life order), or
- (b) subsection (2) (determining the minimum term),

the court must have regard to—

- (i) the general principles set out in Schedule 21, and
- (ii) any sentencing guidelines relating to offences in general which are relevant to the case and are not incompatible with the provisions of Schedule 21.

Duty to give reasons for minimum term order or whole life order

(4) Where the court makes a minimum term order or a whole life order, in complying with the duty under section 52(2) to state its reasons for deciding on the order made, the court must in particular—

- (a) state which of the starting points in Schedule 21 it has chosen and its reasons for doing so, and
- (b) state its reasons for any departure from that starting point.

Textual Amendments

F189 Words in s. 322(3)(a) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 126\(3\), 208\(5\)\(l\)](#)

Modifications etc. (not altering text)

C108 Ss. 321-324 modified by 2006 c. 52, s. 261A (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 25 para. 60](#) (with [s. 416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)) (as amended (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 129\(2\), 208\(1\)](#); [S.I. 2022/520, reg. 5\(1\)](#))

Commencement Information

I242 S. 322 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

323 Minimum term order: other life sentences

(1) This section applies where a court—

- (a) passes a life sentence in circumstances in which the sentence is not fixed by law, and
- (b) makes a minimum term order.

[^{F190}(1A) The starting point, in determining the minimum term, is the relevant portion of the notional determinate sentence.

Status: Point in time view as at 03/07/2023.

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- (1B) The “notional determinate sentence”, in relation to a life sentence, is the custodial sentence that the court would have imposed if the court had not imposed the life sentence.
- (1C) The “relevant portion” of the notional determinate sentence is—
- (a) where that sentence is within section 247A(2A) of the Criminal Justice Act 2003 (terrorist prisoners not entitled to early release), the term that the court would have determined as the appropriate custodial term (within the meaning given by subsection (8) of that section);
 - (b) where that sentence is a sentence under section 252A, 254, 265, 266, 278 or 279 (and is not within paragraph (a)), two-thirds of the term that the court would have determined as the appropriate custodial term under that section;
 - (c) where that sentence is any other custodial sentence, two-thirds of the term of the sentence.]
- (2) [^{F191}The minimum term must be the starting point adjusted as the court considers appropriate, taking into account—]
- (a) the seriousness of—
 - (i) the offence, or
 - (ii) the combination of the offence and one or more offences associated with it,
 - (b) ^{F192}... and
 - (c) the effect that the following would have if the court had sentenced the offender to a term of imprisonment—
 - (i) section 240ZA of the Criminal Justice Act 2003 (crediting periods of remand in custody);
 - (ii) section 240A of that Act (crediting periods of remand on bail subject to certain restrictions);
 including the effect of any declaration which the court would have made under section 325 or 327 (specifying periods of remand on bail subject to certain restrictions or in custody pending extradition).
- [^{F193}(3) Subsection (2) is subject to the requirement that the minimum term in a serious terrorism case must be at least 14 years.
- This is subject to subsections (5) and (6).
- (4) A “serious terrorism case” is a case where, but for the fact that the court passes a life sentence, the court would be required by section 268B(2) or 282B(2) to impose a serious terrorism sentence (assuming for this purpose that the court is not of the opinion mentioned in section 268B(2) or 282B(2)).
- (5) The minimum term may be less than 14 years if the court is of the opinion that there are exceptional circumstances which—
- (a) relate to the offence or to the offender, and
 - (b) justify a lesser period.
- (6) The minimum term may be less than 14 years if the court considers it appropriate, taking into account—
- (a) the matters mentioned in subsection (2)(c), and

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- (b) the effect that the following would, if the court had sentenced the offender under section 268B(2) or 282B(2), have had in relation to the appropriate custodial term for that sentence—
- (i) section 73 (reductions for guilty pleas), and
 - (ii) section 74 (reductions for assistance to the prosecution).]

Textual Amendments

- F190** S. 323(1A)-(1C) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 129\(1\)\(a\)](#), 208(1); S.I. 2022/520, reg. 5(n)
- F191** Words in s. 323(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 129\(1\)\(b\)\(i\)](#), 208(1); S.I. 2022/520, reg. 5(n)
- F192** S. 323(2)(b) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 129\(1\)\(b\)\(ii\)](#), 208(1); S.I. 2022/520, reg. 5(n)
- F193** S. 323(3)-(6) inserted (29.6.2021 for specified purposes) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 11](#), 50(2)(f)(3)(b)

Modifications etc. (not altering text)

- C108** Ss. 321-324 modified by 2006 c. 52, s. 261A (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 25 para. 60](#) (with [s. 416\(7\)](#), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)) (as amended (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 129\(2\)](#), 208(1); S.I. 2022/520, reg. 5(1))

Commencement Information

- I243** S. 323 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

324 Life sentences: interpretation

In this Chapter—

“the early release provisions” means section 28(5) to (8) of the Crime (Sentences) Act 1997;

“life sentence” means—

- (a) a sentence of imprisonment for life,
- (b) a sentence of detention for life or during Her Majesty's pleasure (see sections 250 and 259), or
- (c) a sentence of custody for life (see sections 272 and 275);

“minimum term order” and “minimum term” have the meanings given by section 321(4);

“whole life order” has the meaning given by section 321(5).

Modifications etc. (not altering text)

- C108** Ss. 321-324 modified by 2006 c. 52, s. 261A (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 25 para. 60](#) (with [s. 416\(7\)](#), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)) (as amended (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 129\(2\)](#), 208(1); S.I. 2022/520, reg. 5(1))

Commencement Information

- I244** S. 324 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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CHAPTER 9

SENTENCE ADMINISTRATION

Declaration about time to count as served

325 Time on bail under certain conditions: declaration by court

- (1) This section applies where—
- (a) a court passes a determinate sentence on an offender in respect of an offence (see subsection (5)),
 - (b) the offender was remanded on bail by a court in course of or in connection with proceedings for the offence, or any related offence, and
 - (c) the offender's bail was subject to a qualifying curfew condition and an electronic monitoring condition (“the relevant conditions”).

- (2) The court must specify the credit period for the purposes of section 240A of the Criminal Justice Act 2003 (time remanded on bail to count towards time served) in relation to the sentence.

- (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).

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.

- (4) Where the court makes a declaration under subsection (2) it must state in open court—

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- (a) the number of days on which the offender was subject to the relevant conditions, and
 - (b) the number of days (if any) which it deducted under each of steps 2 and 3.
- (5) For the purposes of subsection (1)(a), a court passes a determinate sentence if it—
- (a) sentences the offender to imprisonment for a term,
 - (b) passes a determinate sentence of detention in a young offender institution,^{F194}
...
 - (c) passes a determinate sentence of detention under section 250 [^{F195}, 252A] or 254 (offenders aged under 18) [^{F196}, or
 - (d) makes a detention and training order.]
- (6) For those purposes, a suspended sentence—
- (a) is to be treated as a determinate sentence when it is activated under paragraph 13(1)(a) or (b) of Schedule 16, and
 - (b) is to be treated as being imposed by the order under which it is activated.
- (7) Section 240ZA of the Criminal Justice Act 2003 makes provision about time remanded in custody which is to count as time served.

Textual Amendments

- F194** Word in s. 325(5)(b) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 16 para. 9\(a\)](#)
- F195** Word in s. 325(5)(c) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(23\)](#)
- F196** S. 325(5)(d) and word inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 16 para. 9\(b\)](#)

Commencement Information

- I245** S. 325 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

326 Section 325: interpretation

- (1) For the purposes of section 325, “sentence of imprisonment” does not include a committal—
- (a) in default of payment of any sum of money, other than one adjudged to be paid on a conviction,
 - (b) for want of sufficient distress to satisfy any sum of money, or
 - (c) for failure to do or abstain from doing anything required to be done or left undone,
- and references to sentencing an offender to imprisonment are to be read accordingly.
- This definition has effect in place of the definition of “sentence of imprisonment” in section 397 for those purposes.
- (2) For the purposes of section 325(1), another offence is “related” to the offence in respect of which the sentence is passed (the “sentenced offence”) if—
- (a) the offender was charged with that other offence, and
 - (b) the charge for that other offence was founded on the same facts or evidence as the sentenced offence.

Status: Point in time view as at 03/07/2023.

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(3) In section 325—

“curfew requirement” means a requirement (however described) to remain at one or more specified places for a specified number of hours in any given day, which—

- (a) is imposed by a court or the Secretary of State, and
- (b) arises as a result of a conviction;

“electronic monitoring condition” means any electronic monitoring requirements imposed under section 3(6ZAA) of the Bail Act 1976 for the purpose of securing the electronic monitoring of a person’s compliance with a qualifying curfew condition;

“qualifying curfew condition” means a condition of bail which requires the person granted bail to remain at one or more specified places for a total of not less than 9 hours in any given day.

Commencement Information

I246 S. 326 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

327 Period in custody awaiting extradition: declaration by court

(1) This section applies where a court imposes a fixed-term sentence on a person who—

- (a) was tried for the offence in respect of which the sentence was imposed, or received the sentence—
 - (i) after having been extradited to the United Kingdom, and
 - (ii) without having first been restored or had an opportunity of leaving the United Kingdom, and
- (b) was for any period kept in custody while awaiting extradition to the United Kingdom as mentioned in paragraph (a).

(2) In this section “fixed term sentence” means—

- (a) a sentence of imprisonment for a determinate term,
- (b) a determinate sentence of detention in a young offender institution, ^{F197}...
- (c) a determinate sentence of detention under section 250 [^{F198}, 252A] or 254 [^{F199}, or
- (d) a detention and training order.]

(3) The court must specify in open court the number of days for which the prisoner was kept in custody while awaiting extradition.

Textual Amendments

F197 Word in s. 327(2)(b) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 16 para. 10\(a\)](#)

F198 Word in s. 327(2)(c) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(24\)](#)

F199 S. 327(2)(d) and word inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 16 para. 10\(b\)](#)

Status: Point in time view as at 03/07/2023.

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Commencement Information

I247 S. 327 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Recommendations

328 Power of court to recommend licence conditions for adults sentenced to term of 12 months or more

- (1) This section applies where a court sentences an offender to—
 - (a) a term of imprisonment, or
 - (b) a term of detention in a young offender institution, of 12 months or more in respect of any offence.
- (2) The court may, when passing sentence, recommend to the Secretary of State particular conditions which in its view should be included in any licence granted to the offender under Chapter 6 of Part 12 of the Criminal Justice Act 2003 on the offender's release from prison or detention.
- (3) A recommendation under subsection (2) is not to be treated for any purpose as part of the sentence passed on the offender.

Modifications etc. (not altering text)

C109 S. 328 modified by 2006 c. 52, s. 262 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 61](#) (with s. 416(7), Sch. 27); [S.I. 2020/1236, reg. 2](#))

Commencement Information

I248 S. 328 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Conversion of sentence of detention or custody to sentence of imprisonment

329 Conversion of sentence of detention to sentence of imprisonment

- (1) This section applies where a court has passed a relevant custodial sentence sentencing an offender to a term of detention and the offender—
 - (a) has reached the age of 21, or
 - (b) has reached the age of 18 and has been reported to the Secretary of State by the independent monitoring board of the institution in which the offender is detained as—
 - (i) exercising a bad influence on the other inmates of the institution, or
 - (ii) behaving in a disruptive manner to the detriment of those inmates.
- (2) The Secretary of State may direct that the offender is to be treated as if sentenced to imprisonment for the same term.

This is subject to the following provisions of this section.

Effect of direction

Status: Point in time view as at 03/07/2023.

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- (3) Subsections [F200(4) to][F201 (5A)] apply where the Secretary of State gives a direction under subsection (2) in relation to the offender.
- (4) The portion of the term of detention imposed under the relevant custodial sentence which the offender has already served is to be deemed to have been a portion of a term of imprisonment.
- [F202(4A) If the relevant custodial sentence is—
- (a) a sentence of detention under section 252A, or
 - (b) a sentence of detention in a young offender institution under section 265,
- the offender is to be treated as if sentenced to a sentence of imprisonment under section 278.]
- (5) If the relevant custodial sentence is—
- (a) an extended sentence of detention under section 254, or
 - (b) an extended sentence of detention in a young offender institution,
- the offender is to be treated as if sentenced to an extended sentence of imprisonment under section 279.
- [F203(5A) If the relevant custodial sentence is a serious terrorism sentence of detention in a young offender institution, the offender is to be treated as if sentenced to a serious terrorism sentence of imprisonment under section 282A.]
- (6) 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 custodial sentence is to continue to have effect after a direction under subsection (2) has been given in relation to the offender.
- “Relevant custodial sentence”*
- (7) In this section “relevant custodial sentence” means any of the following—
- (a) a sentence of detention under section 250 (including one imposed under section 258 [F204 or 258A] (detention for life));
 - [F205(aa) a sentence of detention under section 252A;]
 - (b) an extended sentence of detention under section 254;
 - (c) a sentence of detention during Her Majesty's pleasure (see section 259);
 - (d) a sentence of detention in a young offender institution;
 - (e) an extended sentence of detention in a young offender institution (see section 266);
 - [F206(ea) a serious terrorism sentence of detention in a young offender institution (see section 268A);]
 - (f) a sentence of custody for life (see sections 272 and 275).

Textual Amendments

F200 Words in s. 329(3) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(25\)\(a\)](#)

F201 Word in s. 329(3) substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(16\)\(a\)](#)

F202 S. 329(4A) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(25\)\(b\)](#)

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- F203** S. 329(5A) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(16)(b)**
- F204** Words in s. 329(7)(a) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 3(12), 208(5)(b)**
- F205** S. 329(7)(aa) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 26(25)(c)**
- F206** S. 329(7)(ea) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 11(16)(c)**

Modifications etc. (not altering text)

- C110** S. 329 modified by 2006 c. 52, **s. 262A** (as inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 para. 62 (with s. 416(7), **Sch. 27**); S.I. 2020/1236, **reg. 2**)

Commencement Information

- I249** S. 329 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status:

Point in time view as at 03/07/2023.

Changes to legislation:

Sentencing Act 2020, THIRD GROUP OF PARTS is up to date with all changes known to be in force on or before 22 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.