



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 10

CUSTODIAL SENTENCES

CHAPTER 3

ADULTS AGED UNDER 21

Extended sentence of detention in a young offender institution

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—

Status: Point in time view as at 06/04/2022.

Changes to legislation: Sentencing Act 2020, Section 268 is up to date with all changes known to be in force on or before 05 September 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) 5 years in the case of a specified violent offence [^{F1}(unless sub-paragraph (iii) applies);] or
- (ii) 8 years in the case of a specified sexual offence or a specified terrorism offence [^{F2}(unless sub-paragraph (iii) applies);]
- [^{F3}(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” [^{F4}and “specified terrorism offence”][^{F4}, “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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)

- C1** 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

- I1** S. 268 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Status:

Point in time view as at 06/04/2022.

Changes to legislation:

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