



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 10

CUSTODIAL SENTENCES

CHAPTER 8

EFFECT OF LIFE SENTENCES

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);
 - (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).

Status: This is the original version (as it was originally enacted).

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) (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.