



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 10

CUSTODIAL SENTENCES

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

Status: This is the original version (as it was originally enacted).

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—
 - (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, or
 - (c) passes a determinate sentence of detention under section 250 or 254 (offenders aged under 18).
- (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.