

*Status: Point in time view as at 28/06/2022.*

**Changes to legislation:** Police, Crime, Sentencing and Courts Act 2022, SCHEDULE 16 is up to date with all changes known to be in force on or before 20 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)

## SCHEDULES

### SCHEDULE 16 **U.K.**

Section 160

#### DETENTION AND TRAINING ORDERS: TIME TO COUNT AS SERVED

#### PART 1 **E+W**

#### DETENTION AND TRAINING ORDERS MADE UNDER SENTENCING CODE

#### *Criminal Justice Act 2003 (c. 44)*

1 The Criminal Justice Act 2003 is amended as follows.

#### **Commencement Information**

**II** Sch. 16 para. 1 in force at 28.6.2022, see s. 208(5)(t)

- 2 (1) Section 240ZA (time remanded in custody to count as time served: terms of imprisonment and detention) is amended as follows.
- (2) In the heading, for “and detention” substitute “or detention and detention and training orders”.
- (3) After subsection (1) insert—
- “(1A) This section also applies where—
- (a) a court, on or after the day on which Schedule 16 to the Police, Crime, Sentencing and Courts Act 2022 came into force, makes a detention and training order in respect of an offender for an offence, and
- (b) the offender concerned has been remanded in custody in connection with the offence or a related offence.
- (1B) In this section any reference to a “sentence”, in relation to an offender, is to—
- (a) a term of imprisonment being served by the offender as mentioned in subsection (1)(a), or
- (b) a detention and training order made in respect of the offender as mentioned in subsection (1A)(a).”
- (4) In subsection (2), for “that purpose” substitute “the purposes of subsection (1)(b) or (1A)(b)”.
- (5) For subsection (9) substitute—
- “(8A) Subsection (9) applies in relation to an offender who is sentenced to two or more consecutive sentences or sentences which are wholly or partly concurrent if—

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- (a) the sentences were imposed on the same occasion, or
  - (b) where they were imposed on different occasions, the offender has not been released during the period beginning with the first and ending with the last of those occasions.
- (9) For the purposes of subsections (3) and (5), the sentences are to be treated as a single sentence.”

**Commencement Information**

**I2** Sch. 16 para. 2 in force at 28.6.2022, see s. 208(5)(t)

- 3 (1) Section 240A (time remanded on bail to count towards time served: terms of imprisonment and detention) is amended as follows.
- (2) In the heading, for “and detention” substitute “or detention and detention and training orders”.
- (3) After subsection (3ZA) insert—
- “(3ZAA) Subsection (3ZB) also applies where—
- (a) a court, on or after the day on which Schedule 16 to the Police, Crime, Sentencing and Courts Act 2022 came into force, makes a detention and training order in respect of an offender for an offence, and
  - (b) the court has made a declaration under section 325 of the Sentencing Code specifying a credit period in relation to the order.
- (3ZAB) In this section any reference to a “sentence”, in relation to an offender, is to—
- (a) a term of imprisonment being served by the offender as mentioned in subsection (3ZA)(a), or
  - (b) a detention and training order made in respect of the offender as mentioned in subsection (3ZAA)(a).”

(4) In subsection (9)(b), omit the words from “and, in paragraph (b)” to the end.

**Commencement Information**

**I3** Sch. 16 para. 3 in force at 28.6.2022, see s. 208(5)(t)

- 4 In section 242 (interpretation), at the end insert—
- “(3) In sections 240ZA and 240A, “detention and training order” has the meaning given by section 233 of the Sentencing Code.”

**Commencement Information**

**I4** Sch. 16 para. 4 in force at 28.6.2022, see s. 208(5)(t)

**Commencement Information**

**I1** Sch. 16 para. 1 in force at 28.6.2022, see s. 208(5)(t)

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- I2** Sch. 16 para. 2 in force at 28.6.2022, see s. 208(5)(t)
- I3** Sch. 16 para. 3 in force at 28.6.2022, see s. 208(5)(t)
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### Sentencing Act 2020 (c. 17)

5 The Sentencing Act 2020 is amended as follows.

#### Commencement Information

- I5** Sch. 16 para. 5 in force at 28.6.2022, see s. 208(5)(t)

6 Omit sections 239 and 240 (effect on term of detention and training order of period on remand etc).

#### Commencement Information

- I6** Sch. 16 para. 6 in force at 28.6.2022, see s. 208(5)(t)

7 In section 244 (offender subject concurrently to detention and training order and sentence of detention in a young offender institution), in subsection (2)(c), at the beginning insert “with the exception of sections 240ZA and 240A,”.

#### Commencement Information

- I7** Sch. 16 para. 7 in force at 28.6.2022, see s. 208(5)(t)

8 In section 245 (offender subject concurrently to detention and training order and other sentence of detention), in subsection (2)(c), at the beginning insert “with the exception of sections 240ZA and 240A,”.

#### Commencement Information

- I8** Sch. 16 para. 8 in force at 28.6.2022, see s. 208(5)(t)

9 In section 325 (time on bail under certain conditions: declaration by court), in subsection (5)—  
(a) omit the “or” at the end of paragraph (b);  
(b) at the end of paragraph (c) insert “, or  
(d) makes a detention and training order.”

#### Commencement Information

- I9** Sch. 16 para. 9 in force at 28.6.2022, see s. 208(5)(t)

10 In section 327 (period in custody awaiting extradition: declaration by court), in subsection (2)—  
(a) omit the “or” at the end of paragraph (b);  
(b) at the end of paragraph (c) insert “, or

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(d) a detention and training order.”

**Commencement Information**

**I10** Sch. 16 para. 10 in force at 28.6.2022, see s. 208(5)(t)

11 In Schedule 27 (transitional provision), omit paragraph 14 (and the italic heading above it).

**Commencement Information**

**I11** Sch. 16 para. 11 in force at 28.6.2022, see s. 208(5)(t)

**Commencement Information**

**I5** Sch. 16 para. 5 in force at 28.6.2022, see s. 208(5)(t)

**I6** Sch. 16 para. 6 in force at 28.6.2022, see s. 208(5)(t)

**I7** Sch. 16 para. 7 in force at 28.6.2022, see s. 208(5)(t)

**I8** Sch. 16 para. 8 in force at 28.6.2022, see s. 208(5)(t)

**I9** Sch. 16 para. 9 in force at 28.6.2022, see s. 208(5)(t)

**I10** Sch. 16 para. 10 in force at 28.6.2022, see s. 208(5)(t)

**I11** Sch. 16 para. 11 in force at 28.6.2022, see s. 208(5)(t)

*Other enactments*

12 In Schedule 2 to the Criminal Appeal Act 1968 (procedural and other provisions applicable on order for retrial), in paragraph 2(4), for “and detention” substitute “or detention and detention and training orders”.

**Commencement Information**

**I12** Sch. 16 para. 12 in force at 28.6.2022, see s. 208(5)(t)

13 In Schedule 7 to the International Criminal Court Act 2001 (domestic provisions not applicable to ICC prisoners), in paragraph 2(1)(d), for “and detention” substitute “or detention and detention and training orders”.

**Commencement Information**

**I13** Sch. 16 para. 13 in force at 28.6.2022, see s. 208(5)(t)

**Commencement Information**

**I12** Sch. 16 para. 12 in force at 28.6.2022, see s. 208(5)(t)

**I13** Sch. 16 para. 13 in force at 28.6.2022, see s. 208(5)(t)

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## PART 2 U.K.

### DETENTION AND TRAINING ORDERS MADE UNDER ARMED FORCES ACT 2006

14 The Armed Forces Act 2006 is amended as follows.

#### Commencement Information

I14 Sch. 16 para. 14 in force at 28.6.2022, see s. 208(5)(t)

- 15 In section 213 (application of provisions relating to civilian detention and training orders)—
- (a) in subsection (2)(a), for “sections 237 to 240” substitute “sections 237 and 238”;
  - (b) omit subsection (3).

#### Commencement Information

I15 Sch. 16 para. 15 in force at 28.6.2022, see s. 208(5)(t)

16 After section 213 insert—

#### “213A Period in service custody: effect on term of detention and training order

- (1) Subsection (2) applies where—
  - (a) the Court Martial or the Service Civilian Court proposes to make an order under section 211 in respect of an offence, and
  - (b) the offender has been kept in service custody in connection with the offence or any other offence the charge for which was founded on the same facts or evidence.
- (2) In determining the term of the order under section 211, the court must take account of the period for which the offender was kept in service custody.
- (3) If the court proposes to make two or more orders under section 211 in respect of two or more offences—
  - (a) subsection (2) does not apply, but
  - (b) in determining the total term of those orders, the court must take account of the total period for which the offender has been kept in service custody in connection with—
    - (i) any of those offences, or
    - (ii) any other offence the charge for which was founded on the same facts or evidence.
- (4) A period of service custody may be taken account of under this section only once.

#### 213B Period of custody awaiting extradition: effect on term of detention and training order

- (1) This section applies where—

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- (a) the Court Martial or the Service Civilian Court proposes to make an order under section 211 in respect of an offence,
  - (b) the offender was tried for the offence, or is to be sentenced—
    - (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
  - (c) the offender was kept in custody for any period while awaiting extradition to the United Kingdom.
- (2) The court must—
- (a) specify in open court the number of days for which the offender was kept in custody while awaiting extradition, and
  - (b) take account of those days in determining the term of the order.”

**Commencement Information**

**I16** Sch. 16 para. 16 in force at 28.6.2022, see s. 208(5)(t)

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