

# Powers of Criminal Courts (Sentencing) Act 2000

## **2000 CHAPTER 6**

#### PART V

## CUSTODIAL SENTENCES ETC.

#### **CHAPTER II**

DETENTION AND CUSTODY OF YOUNG OFFENDERS

# **Modifications etc. (not altering text)**

C1 Pt. 5 Ch. 2 power to modify, amend or repeal conferred (30.9.2003) by Armed Forces Act 2001 (c. 19), ss. 31(1)(a)(3)(6)(7), 39(2); S.I. 2003/2268, art. 2

Restriction on imposing imprisonment on persons under 21

F189 Restriction on imposing imprisonment on persons under 21.

## **Textual Amendments**

F1 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Chapter II – Detention and custody of young offenders
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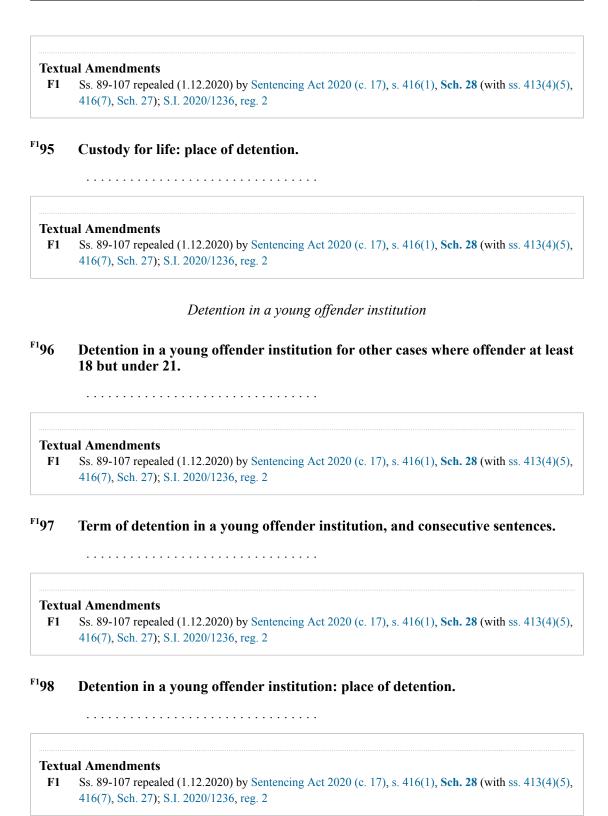
Detention at Her Majesty's pleasure or for specified period

<sup>F1</sup> 90	Offenders who commit murder etc. when under 18: duty to detain at Her Majesty's pleasure.
Text	ual Amendments
F1	Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), <b>Sch. 28</b> (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
<sup>F1</sup> 91	Offenders under 18 convicted of certain serious offences: power to detain for specified period.
Toyto	ual Amendments
F1	Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), <b>Sch. 28</b> (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
<sup>F1</sup> 92	Detention under sections 90 and 91: place of detention etc.
Textu F1	Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
	Custody for life
<sup>F1</sup> 93	Duty to impose custody for life in certain cases where offender under 21.
Texti	ual Amendments
F1	Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), <b>Sch. 28</b> (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
<sup>F1</sup> 94	Power to impose custody for life in certain other cases where offender at least 18 but under 21.

Chapter II – Detention and custody of young offenders

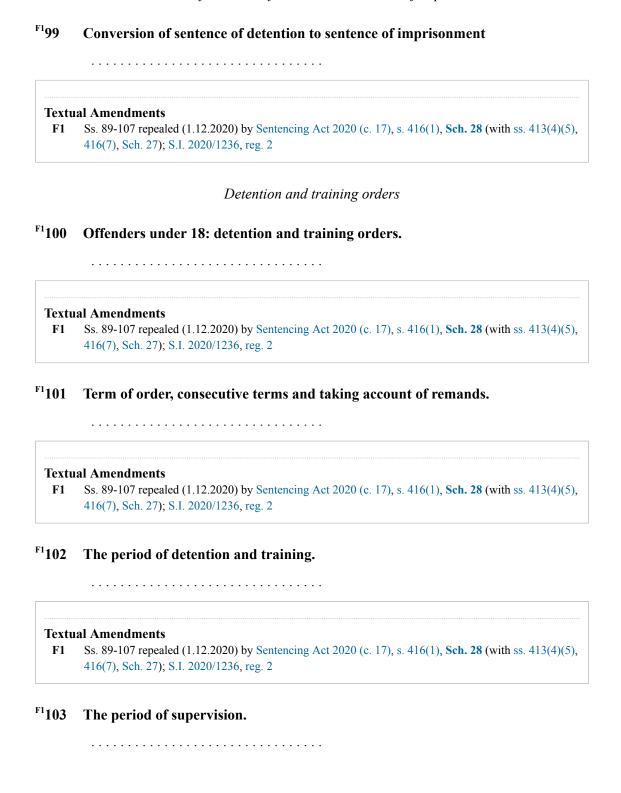
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Conversion of sentence of detention to sentence of imprisonment

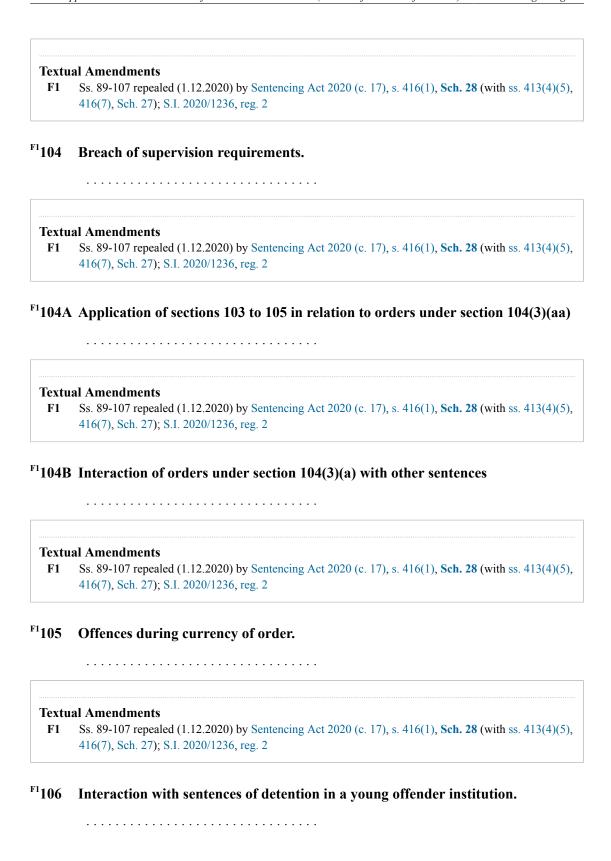


Part V – CUSTODIAL SENTENCES ETC.

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# F1106A Interaction with sentences of detention

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## **Textual Amendments**

F1 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

# F1106B Further supervision after end of term of detention and training order

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#### **Textual Amendments**

F1 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

# F1107 Meaning of "youth detention accommodation" and references to terms.

## **Textual Amendments**

F1 Ss. 89-107 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Detention of persons aged at least 18 but under 21 for default or contempt

## Detention of persons aged at least 18 but under 21 for default or contempt.

- (1) In any case where, but for [F2section 227(2) of the Sentencing Code], a court would have power—
  - (a) to commit a person aged at least 18 but under 21 to prison for default in payment of a fine or any other sum of money, or
  - (b) to make an order fixing a term of imprisonment in the event of such a default by such a person, or
  - (c) to commit such a person to prison for contempt of court or any kindred offence,

the court shall have power, subject to subsection (3) below, to commit him to be detained under this section or, as the case may be, to make an order fixing a term of

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detention under this section in the event of default, for a term not exceeding the term of imprisonment.

- (2) For the purposes of subsection (1) above, the power of a court to order a person to be imprisoned under section 23 of the MI Attachment of Earnings Act 1971 shall be taken to be a power to commit him to prison.
- (3) No court shall commit a person to be detained under this section unless it is of the opinion that no other method of dealing with him is appropriate; and in forming any such opinion, the court—
  - (a) shall take into account all such information about the circumstances of the default or contempt (including any aggravating or mitigating factors) as is available to it: and
  - (b) may take into account any information about that person which is before it.
- (4) Where a magistrates' court commits a person to be detained under this section, it shall—
  - (a) state in open court the reason for its opinion that no other method of dealing with him is appropriate; and
  - (b) cause that reason to be specified in the warrant of commitment and to be entered in the register.
- (5) Subject to section 22(2)(b) of the M2Prison Act 1952 (removal to hospital etc.), a person in respect of whom an order has been made under this section is to be detained—
  - (a) in a remand centre,
  - (b) in a young offender institution, or
  - (c) in any place in which a person aged 21 or over could be imprisoned or detained for default in payment of a fine or any other sum of money,

as the Secretary of State may from time to time direct.

#### **Textual Amendments**

F2 Words in s. 108(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 163 (with Sch. 27); S.I. 2020/1236, reg. 2

## **Marginal Citations**

M1 1971 c. 32.

**M2** 1952 c. 52.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters: Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(1A)(g) inserted by 2019 c. 17 s. 13(6)
- s. 41(9A) inserted by 2000 c. 43 Sch. 7 para. 165(b) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 41(12) inserted by 2000 c. 43 Sch. 7 para. 165(c) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 58(2) inserted by 2000 c. 43 Sch. 7 para. 172 (This amendment not applied to legislation.gov.uk. Sch. 7 para. 172 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 82A(3A)-(3C) inserted by 2008 c. 4 s. 19(3)
- s. 83(2)(aa) substituted for s. 83(2)(b)(c) by 2000 c. 43 Sch. 7 para. 178
- s. 101(2A) inserted by 2003 c. 44 s. 298(3)
- s. 147A(6)(a) words substituted by 2012 c. 10 Sch. 13 para. 12(b)
- s. 147A(6)(b) words inserted by 2012 c. 10 Sch. 13 para. 12(c)
- Sch. 2 para. 8 and cross-heading inserted by 2000 c. 43 s. 51 (This amendment not applied to legislation.gov.uk. S. 51 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 6A and cross-heading inserted by 2000 c. 43 Sch. 7 para. 199(9) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(9) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 26 inserted by 2000 c. 43 Sch. 7 para. 199(26) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(26) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4) (t))
- Sch. 3 para. 4(4A) inserted by 2004 c. 28 Sch. 5 para. 5(4) (Effect not applied as it relates to a version of Sch. 3 para. 4 prospectively substituted but not brought into force)
- Sch. 3 para. 7(4)-(7) substituted for Sch. 3 para. 7(4)-(6) by 2000 c. 43 Sch. 7 para. 199(10)(c) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(10) (c) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 10 para. 12(2)(e)(f) inserted by 2000 c. 43 Sch. 7 para. 204 (This amendment not applied to legislation.gov.uk. Sch. 7 para. 204 repealed (30.11.2009) without ever being in force by 2008 c. 4, Sch. 28 Pt. 1; S.I. 2009/3074, art. 2(u)(xxix))