



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 2

#### SENTENCING

##### *Custodial sentences*

#### **20 Consecutive terms of imprisonment**

- (1) Part 12 of the Criminal Justice Act 2003 (c. 44) (sentencing) is amended as follows.
- (2) In section 181 (consecutive terms of imprisonment complying with section 181) after subsection (7) insert—
  - “(7A) For the purposes of subsection (7)(a) the aggregate length of the terms of imprisonment is not to be regarded as being more than 65 weeks if the aggregate of all the custodial periods and the longest of the licence periods in relation to those terms is not more than 65 weeks.”
- (3) In section 264A (consecutive terms: intermittent custody)—
  - (a) in subsection (3), omit the words from “and none” to the end;
  - (b) in subsection (4)(b), for “the longest of the total” substitute “all the”; and
  - (c) in subsection (5), for the definition of “total licence period” substitute—

““licence period” has the same meaning as in section 183(3);”.
- (4) In section 265 (restriction on consecutive sentences for released prisoners)—
  - (a) in subsection (1), for “early under this Chapter” substitute “—
    - (a) under this Chapter; or
    - (b) under Part 2 of the Criminal Justice Act 1991.”; and
  - (b) after that subsection insert—

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*Status: This is the original version (as it was originally enacted).*

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“(1A) Subsection (1) applies to a court sentencing a person to—

- (a) a term of imprisonment for an offence committed before 4 April 2005, or
- (b) a term of imprisonment of less than 12 months for an offence committed on or after that date,

as it applies to the imposition of any other term of imprisonment.

(1B) Where an intermittent custody order applies to the other sentence, the reference in subsection (1) to release under this Chapter does not include release by virtue of section 183(1)(b)(i) (periods of temporary release on licence before the custodial days specified under section 183(1)(a) have been served).”

- (5) Any saving by virtue of which section 84 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (restrictions on consecutive sentences for released prisoners) continues to apply in certain cases (despite the repeal of that section by the Criminal Justice Act 2003) shall cease to have effect.