Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART V

CUSTODIAL SENTENCES ETC.

CHAPTER I

GENERAL PROVISIONS

Sexual and violent offences: licences etc.

85 Sexual or violent offences: extension of certain custodial sentences for licence purposes.

(1) This section applies where a court—

(a) proposes to impose a custodial sentence for a sexual or violent offence committed on or after 30th September 1998; and

(b) considers that the period (if any) for which the offender would, apart from this section, be subject to a licence would not be adequate for the purpose of preventing the commission by him of further offences and securing his rehabilitation.

(2) Subject to subsections (3) to (5) below, the court may pass on the offender an extended sentence, that is to say, a custodial sentence the term of which is equal to the aggregate of—

(a) the term of the custodial sentence that the court would have imposed if it had passed a custodial sentence otherwise than under this section ("the custodial term"); and

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(b) a further period ("the extension period") for which the offender is to be subject to a licence and which is of such length as the court considers necessary for the purpose mentioned in subsection (1) above.

(3) Where the offence is a violent offence, the court shall not pass an extended sentence the custodial term of which is less than four years.

(4) The extension period shall not exceed—
(a) ten years in the case of a sexual offence; and
(b) five years in the case of a violent offence.

(5) The term of an extended sentence passed in respect of an offence shall not exceed the maximum term permitted for that offence.

(6) Subsection (2) of section 80 above (length of discretionary custodial sentences) shall apply as if the term of an extended sentence did not include the extension period.

(7) The Secretary of State may by order amend paragraph (b) of subsection (4) above by substituting a different period, not exceeding ten years, for the period for the time being specified in that paragraph.

(8) In this section "licence" means a licence under Part II of the [M1]Criminal Justice Act 1991 (early release of prisoners).

Marginal Citations
M1 1991 c. 53.

86 Sexual offences committed before 30th September 1998.

(1) Where, in the case of a long-term or short-term prisoner—
(a) the whole or any part of his sentence was imposed for a sexual offence committed before 30th September 1998, and
(b) the court by which he was sentenced for that offence, having had regard to the matters mentioned in section 32(6)(a) and (b) of the [M2]Criminal Justice Act 1991, ordered that this section should apply,

sections 33(3) and 37(1) of that Act shall each have effect as if for the reference to three-quarters of his sentence there were substituted a reference to the whole of that sentence.

(2) Expressions used in this section shall be construed as if they were contained in Part II of the [M3]Criminal Justice Act 1991.

(3) The reference in subsection (1) above to section 33(3) of the [M4]Criminal Justice Act 1991 is to section 33(3) as it has effect without the amendment made by section 104(1) of the [M5]Crime and Disorder Act 1998 (which substituted the words " on licence " for the word "unconditionally" and does not apply in relation to a prisoner whose sentence or any part of whose sentence was imposed for an offence committed before 30th September 1998).

Marginal Citations
M2 1991 c. 53.

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M3 1991 c. 53.
M4 1991 c. 53.
M5 1998 c. 37.

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