



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART V

CUSTODIAL SENTENCES ETC.

CHAPTER II

DETENTION AND CUSTODY OF YOUNG OFFENDERS

Detention at Her Majesty's pleasure or for specified period

90 Offenders who commit murder [^{F1}etc.] when under 18: duty to detain at Her Majesty's pleasure.

Where a person convicted of murder [^{F1}or any other offence the sentence for which is fixed by law as life imprisonment] appears to the court to have been aged under 18 at the time the offence was committed, the court shall (notwithstanding anything in this or any other Act) sentence him to be detained during Her Majesty's pleasure.

Textual Amendments

F1 Words in s. 90 and the sidenote inserted (30.11.2000) by 2000 c. 43, s. 60(2)(3)

91 Offenders under 18 convicted of certain serious offences: power to detain for specified period.

(1) Subsection (3) below applies where a person aged under 18 is convicted on indictment of—

Status: Point in time view as at 01/05/2004.

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- (a) an offence punishable in the case of a person aged 21 or over with imprisonment for 14 years or more, not being an offence the sentence for which is fixed by law; or
 - [^{F2}(b) an offence under section 3 of the Sexual Offences Act 2003 (in this section, “the 2003 Act”) (sexual assault); or
 - (c) an offence under section 13 of the 2003 Act (child sex offences committed by children or young persons); or
 - (d) an offence under section 25 of the 2003 Act (sexual activity with a child family member); or
 - (e) an offence under section 26 of the 2003 Act (inciting a child family member to engage in sexual activity).]
- [^{F3}(1A) Subsection (3) below also applies where—
- (a) a person aged under 18 is convicted on indictment of an offence—
 - (i) under subsection (1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) of section 5 of the Firearms Act 1968 (prohibited weapons), or
 - (ii) under subsection (1A)(a) of that section,
 - (b) the offence was committed after the commencement of section 51A of that Act and at a time when he was aged 16 or over, and
 - (c) the court is of the opinion mentioned in section 51A(2) of that Act (exceptional circumstances which justify its not imposing required custodial sentence).]
- [^{F4}(2)
- (3) If the court is of the opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period, not exceeding the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over, as may be specified in the sentence.
- (4) Subsection (3) above is subject to (in particular) sections 79 and 80 above.
- [^{F5}(5) Where subsection (2) of section 51A of the Firearms Act 1968 requires the imposition of a sentence of detention under this section for a term of at least the required minimum term (within the meaning of that section), the court shall sentence the offender to be detained for such period, of at least that term but not exceeding the maximum term of imprisonment with which the offence is punishable in the case of a person aged 18 or over, as may be specified in the sentence.]

Textual Amendments

- F2** S. 91(1)(b)-(e) substituted for s. 91(1)(b)(c) (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), s. 141, Sch. 6 para. 43\(2\)](#); S.I. 2004/874, art. 2
- F3** S. 91(1A) inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 289\(1\)\(2\), 336\(3\)\(4\)](#); S.I. 2004/81, art. 3(1)(2)(b)
- F4** S. 91(2) repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 37 Pt. 7](#); S.I. 2004/829, art. 2(1)(2)(1)(iii)
- F5** S. 91(5) inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 289\(1\)\(3\), 336\(3\)\(4\)](#); S.I. 2004/81, art. 3(1)(2)(b)

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Modifications etc. (not altering text)

- C1** S. 91(1A)(c): power to repeal conferred (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 291(1)(b)**, 336(3)(4); S.I. 2004/81, art. 3(1)(2)(b)
- C2** S. 91(5): power to repeal conferred (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 291(1)(b)**, 336(3)(4); S.I. 2004/81, art. 3(1)(2)(b)

92 Detention under sections 90 and 91: place of detention etc.

- (1) A person sentenced to be detained under section 90 or 91 above shall be liable to be detained in such place and under such conditions—
- (a) as the Secretary of State may direct; or
 - (b) as the Secretary of State may arrange with any person.
- (2) A person detained pursuant to the directions or arrangements made by the Secretary of State under this section shall be deemed to be in legal custody.
- (3) A direction of the Secretary of State under this section may be signified only—
- (a) under the hand of the Secretary of State or an Under-Secretary of State or an Assistant Under-Secretary; or
 - (b) under the hand of an authorised officer;
- and arrangements of the Secretary of State under this section may be signified only as mentioned in paragraph (a) above.

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