



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART V

#### CUSTODIAL SENTENCES ETC.

### CHAPTER II

#### DETENTION AND CUSTODY OF YOUNG OFFENDERS

##### *Detention in a young offender institution*

**96 Detention in a young offender institution for other cases where offender at least 18 but under 21**

Subject to sections 90, 93 and 94 above, where—

- (a) a person aged at least 18 but under 21 is convicted of an offence which is punishable with imprisonment in the case of a person aged 21 or over, and
- (b) the court is of the opinion that either or both of paragraphs (a) and (b) of section 79(2) above apply or the case falls within section 79(3),

the sentence that the court is to pass is a sentence of detention in a young offender institution.

**97 Term of detention in a young offender institution, and consecutive sentences**

- (1) The maximum term of detention in a young offender institution that a court may impose for an offence is the same as the maximum term of imprisonment that it may impose for that offence.
- (2) Subject to subsection (3) below, a court shall not pass a sentence for an offender's detention in a young offender institution for less than 21 days.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A court may pass a sentence of detention in a young offender institution for less than 21 days for an offence under section 65(6) of the Criminal Justice Act 1991 (breach of requirement imposed on young offender on his release from detention).
- (4) Where—
- (a) an offender is convicted of more than one offence for which he is liable to a sentence of detention in a young offender institution, or
  - (b) an offender who is serving a sentence of detention in a young offender institution is convicted of one or more further offences for which he is liable to such a sentence,
- the court shall have the same power to pass consecutive sentences of detention in a young offender institution as if they were sentences of imprisonment.
- (5) Subject to section 84 above (restriction on consecutive sentences for released prisoners), where an offender who—
- (a) is serving a sentence of detention in a young offender institution, and
  - (b) is aged 21 or over,
- is convicted of one or more further offences for which he is liable to imprisonment, the court shall have the power to pass one or more sentences of imprisonment to run consecutively upon the sentence of detention in a young offender institution.

## **98 Detention in a young offender institution: place of detention**

- (1) Subject to section 22(2)(b) of the Prison Act 1952 (removal to hospital etc.), an offender sentenced to detention in a young offender institution shall be detained in such an institution unless a direction under subsection (2) below is in force in relation to him.
- (2) The Secretary of State may from time to time direct that an offender sentenced to detention in a young offender institution shall be detained in a prison or remand centre instead of a young offender institution.