



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 2

#### SENTENCING

##### *Custodial sentences*

#### **16 Extended sentences for certain violent or sexual offences: persons under 18**

- (1) Section 228 of the Criminal Justice Act 2003 (c. 44) (extended sentence for certain violent or sexual offences: persons under 18) is amended as follows.
- (2) In subsection (1)(b)(ii) the words from “or by section 226(3)” to the end are omitted.
- (3) In subsection (2) —
  - (a) for “The court must” substitute “The court may”, and
  - (b) for the words from “, that is to say” to the end substitute “if the condition in subsection (2A) is met.”
- (4) After subsection (2) insert—
  - “(2A) The condition in this subsection is that, if the court were to impose an extended sentence of detention, the term that it would specify as the appropriate custodial term would be at least 4 years.
  - (2B) An extended sentence of detention is a sentence of detention the term of which is equal to the aggregate of—
    - (a) the appropriate custodial term, and
    - (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 of protecting members of the

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*Status: This is the original version (as it was originally enacted).*

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public from serious harm occasioned by the commission by him of further specified offences.”

(5) In subsection (3)—

- (a) for “subsection (2)” substitute “subsections (2A) and (2B)”, and
- (b) paragraph (a) is omitted.

(6) After subsection (6) insert—

“(7) The Secretary of State may by order amend subsection (2A) so as to substitute a different period for the period for the time being specified in that subsection.”