



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART V

#### CUSTODIAL SENTENCES ETC.

#### CHAPTER II

##### DETENTION AND CUSTODY OF YOUNG OFFENDERS

*Detention of persons aged at least 18 but under 21 for default or contempt*

#### **108 Detention of persons aged at least 18 but under 21 for default or contempt.**

- (1) In any case where, but for [<sup>F1</sup>section 227(2) of the Sentencing Code], a court would have power—
- (a) to commit a person aged at least 18 but under 21 to prison for default in payment of a fine or any other sum of money, or
  - (b) to make an order fixing a term of imprisonment in the event of such a default by such a person, or
  - (c) to commit such a person to prison for contempt of court or any kindred offence,

the court shall have power, subject to subsection (3) below, to commit him to be detained under this section or, as the case may be, to make an order fixing a term of detention under this section in the event of default, for a term not exceeding the term of imprisonment.

- (2) For the purposes of subsection (1) above, the power of a court to order a person to be imprisoned under section 23 of the <sup>M1</sup>Attachment of Earnings Act 1971 shall be taken to be a power to commit him to prison.

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**Changes to legislation:** *Powers of Criminal Courts (Sentencing) Act 2000, Section 108 is up to date with all changes known to be in force on or before 26 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (3) No court shall commit a person to be detained under this section unless it is of the opinion that no other method of dealing with him is appropriate; and in forming any such opinion, the court—
- (a) shall take into account all such information about the circumstances of the default or contempt (including any aggravating or mitigating factors) as is available to it; and
  - (b) may take into account any information about that person which is before it.
- (4) Where a magistrates' court commits a person to be detained under this section, it shall—
- (a) state in open court the reason for its opinion that no other method of dealing with him is appropriate; and
  - (b) cause that reason to be specified in the warrant of commitment and to be entered in the register.
- (5) Subject to section 22(2)(b) of the <sup>M2</sup>Prison Act 1952 (removal to hospital etc.), a person in respect of whom an order has been made under this section is to be detained—
- (a) in a remand centre,
  - (b) in a young offender institution, or
  - (c) in any place in which a person aged 21 or over could be imprisoned or detained for default in payment of a fine or any other sum of money,
- as the Secretary of State may from time to time direct.

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**Textual Amendments**

**F1** Words in s. 108(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 163](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)

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**Marginal Citations**

**M1** 1971 c. 32.

**M2** 1952 c. 52.

### Changes to legislation:

Powers of Criminal Courts (Sentencing) Act 2000, Section 108 is up to date with all changes known to be in force on or before 26 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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### Changes and effects yet to be applied to :

- s. 108 repealed by [2000 c. 43 Sch. 7 para. 188](#)[Sch. 8](#)
- s. 108 restricted by [2000 c. 43 s. 61\(2\)](#)
- s. 108 restricted by [2008 c. 25 s. 56-58](#)

### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(1A)(g) inserted by [2019 c. 17 s. 13\(6\)](#)
- s. 41(9A) inserted by [2000 c. 43 Sch. 7 para. 165\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 41(12) inserted by [2000 c. 43 Sch. 7 para. 165\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 58(2) inserted by [2000 c. 43 Sch. 7 para. 172](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 172 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 82A(3A)-(3C) inserted by [2008 c. 4 s. 19\(3\)](#)
- s. 83(2)(aa) substituted for s. 83(2)(b)(c) by [2000 c. 43 Sch. 7 para. 178](#)
- s. 101(2A) inserted by [2003 c. 44 s. 298\(3\)](#)
- s. 147A(6)(a) words substituted by [2012 c. 10 Sch. 13 para. 12\(b\)](#)
- s. 147A(6)(b) words inserted by [2012 c. 10 Sch. 13 para. 12\(c\)](#)
- Sch. 2 para. 8 and cross-heading inserted by [2000 c. 43 s. 51](#) (This amendment not applied to [legislation.gov.uk](#). S. 51 repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 6A and cross-heading inserted by [2000 c. 43 Sch. 7 para. 199\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 199(9) repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 26 inserted by [2000 c. 43 Sch. 7 para. 199\(26\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 199(26) repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 4(4A) inserted by [2004 c. 28 Sch. 5 para. 5\(4\)](#) (Effect not applied as it relates to a version of Sch. 3 para. 4 prospectively substituted but not brought into force)
- Sch. 3 para. 7(4)-(7) substituted for Sch. 3 para. 7(4)-(6) by [2000 c. 43 Sch. 7 para. 199\(10\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 199(10)(c) repealed (4.4.2005) without ever being in force by [2003 c. 44](#), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 10 para. 12(2)(e)(f) inserted by [2000 c. 43 Sch. 7 para. 204](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 7 para. 204 repealed (30.11.2009) without ever being in force by [2008 c. 4](#), Sch. 28 Pt. 1; S.I. 2009/3074, art. 2(u)(xxix))