



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 2

#### SENTENCING

##### *Custodial sentences*

#### **15 Extended sentences for certain violent or sexual offences: persons 18 or over**

(1) Section 227 of the Criminal Justice Act 2003 (extended sentence for certain violent or sexual offences: persons 18 or over) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a) the words “, other than a serious offence,” are omitted, and
- (b) after paragraph (b) insert “, but
- (c) the court is not required by section 225(2) to impose a sentence of imprisonment for life.”

(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) or the condition in subsection (2B) is met.”

(4) After subsection (2) insert—

“(2A) The condition in this subsection is that, at the time the offence was committed, the offender had been convicted of an offence specified in Schedule 15A.

(2B) The condition in this subsection is that, if the court were to impose an extended sentence of imprisonment, the term that it would specify as the appropriate custodial term would be at least 4 years.

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*Status: This is the original version (as it was originally enacted).*

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- (2C) An extended sentence of imprisonment is a sentence of imprisonment 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 public from serious harm occasioned by the commission by him of further specified offences.”
- (5) In subsection (3) for “subsection (2)” substitute “subsections (2B) and (2C)”.
- (6) After subsection (5) insert—
- “(6) The Secretary of State may by order amend subsection (2B) so as to substitute a different period for the period for the time being specified in that subsection.”