



Criminal Justice and Courts Services Act 2000

2000 CHAPTER 43

PART III

DEALING WITH OFFENDERS

CHAPTER II

MISCELLANEOUS

Detention

60 Life sentences: tariffs

- (1) After section 82 of the Powers of Criminal Courts (Sentencing) Act 2000 there is inserted—

“Life sentences

82A Determination of tariffs

- (1) This section applies if a court passes a life sentence in circumstances where—
- the sentence is not fixed by law; or
 - the offender was aged under 18 when he committed the offence.
- (2) The court shall, unless it makes an order under subsection (4) below, order that the provisions of section 28(5) to (8) of the Crime (Sentences) Act 1997 (referred to in this section as the “early release provisions”) shall apply to the offender as soon as he has served the part of his sentence which is specified in the order.

Status: This is the original version (as it was originally enacted).

- (3) The part of his sentence shall be such as the court considers appropriate taking into account—
- (a) the seriousness of the offence, or of the combination of the offence and one or more offences associated with it;
 - (b) the effect of any direction which it would have given under section 87 below (crediting periods of remand in custody) if it had sentenced him to a term of imprisonment; and
 - (c) the early release provisions as compared with sections 33(2) and 35(1) of the Criminal Justice Act 1991.
- (4) If the court is of the opinion that, because of the seriousness of the offence or of the combination of the offence and one or more offences associated with it, no order should be made under subsection (2) above, the court shall order that, subject to subsection (5) below, the early release provisions shall not apply to the offender.
- (5) If, in a case where an order under subsection (4) above is in force, the offender was aged under 18 when he committed the offence, the Secretary of State shall at the appropriate stage direct that the early release provisions shall apply to the offender as soon as he has served the part of his sentence which is specified in the direction.
- (6) The appropriate stage, for the purposes of subsection (5) above, is when the Secretary of State has formed the opinion, having regard to any factors determined by him to be relevant for the purpose, that it is appropriate for him to give the direction.
- (7) In this section—
- “court” includes a court-martial;
 - “life sentence” has the same meaning as in Chapter II of Part II of the Crime (Sentences) Act 1997.
- (8) So far as this section relates to sentences passed by a court-martial, section 167(1) below does not apply.”
- (2) In section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders who commit murder when under 18: duty to detain at Her Majesty’s pleasure), after “murder” there is inserted “or any other offence the sentence for which is fixed by law as life imprisonment”; and, in the sidenote, after “murder” there is inserted “etc.”.
- (3) This section has effect in relation to sentences passed after the coming into force of this section.
- (4) In relation to any time before the coming into force of section 87 of the Powers of Criminal Courts (Sentencing) Act 2000, section 82A of that Act shall have effect as if, in paragraph (b) of subsection (3), for “of any direction which it would have given under section 87 below (crediting periods of remand in custody)” there were substituted “which section 67 of the Criminal Justice Act 1967 would have had”.