



Criminal Justice and Courts Services Act 2000

2000 CHAPTER 43

PART III

DEALING WITH OFFENDERS

CHAPTER II

MISCELLANEOUS

Detention

- 61 Abolition of sentences of detention in a young offender institution, custody for life, etc**
- (1) No court is to pass a sentence of detention in a young offender institution or a sentence of custody for life, and no court is to make a custodial order except in relation to a person who is aged at least 17 but under 18.
 - (2) No court is to commit a person to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of persons aged at least 18 but under 21 for default or contempt) or make an order fixing a term of detention under that section.
 - (3) A person who—
 - (a) has been sentenced (before the coming into force of this section) to a term of detention in a young offender institution, to custody for life or to a custodial order, and
 - (b) is aged at least 18 but under 21,may be detained in a young offender institution, or in a prison, determined by the Secretary of State.

Status: This is the original version (as it was originally enacted).

- (4) A person—
- (a) who has been committed (before the coming into force of this section) to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 or in respect of whom an order fixing a term of detention under that section has been made (before the coming into force of this section), and
 - (b) who is aged under 21,
- may be detained in a young offender institution, or in a prison, determined by the Secretary of State.
- (5) A person who has been sentenced to imprisonment and is aged under 21 may be detained—
- (a) in a prison, or
 - (b) in a young offender institution in which one or more persons mentioned in subsection (3) or (4) are detained,
- determined by the Secretary of State.
- (6) A determination of the Secretary of State under this section may be made in respect of an individual or any description of individuals.
- (7) The repeal by this Act of section 106(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (interaction of sentences of detention in a young offender institution) does not affect the validity of any order made, or having effect as if made, under paragraph (b) of that subsection.
- (8) In this section—
- “court” includes a court-martial and a Standing Civilian Court,
 - “custodial order” means an order under—
 - (a) section 71AA of, or paragraph 10 of Schedule 5A to, the Army Act 1955,
 - (b) section 71AA of, or paragraph 10 of Schedule 5A to, the Air Force Act 1955,
 - (c) section 43AA of, or paragraph 10 of Schedule 4A to, the Naval Discipline Act 1957.
- (9) On the coming into force of this section—
- (a) paragraph (b) of the definition of “qualifying sentence” in section 30(1), and
 - (b) paragraph (b) of the definition of “relevant sentence” in section 69(7),
- are omitted.