



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART V

#### CUSTODIAL SENTENCES ETC.

### CHAPTER I

#### GENERAL PROVISIONS

#### *Crediting of periods of remand in custody*

#### **87 Crediting of periods of remand in custody: terms of imprisonment and detention**

- (1) This section applies where—
  - (a) a court sentences an offender to imprisonment for a term in respect of an offence committed after the commencement of this section; and
  - (b) the offender has been remanded in custody (within the meaning given by section 88 below) in connection with the offence or a related offence, that is to say, any other offence the charge for which was founded on the same facts or evidence.
- (2) It is immaterial for that purpose whether the offender—
  - (a) has also been remanded in custody in connection with other offences; or
  - (b) has also been detained in connection with other matters.
- (3) Subject to subsection (4) below, the court shall direct that the number of days for which the offender was remanded in custody in connection with the offence or a related offence shall count as time served by him as part of the sentence.
- (4) Subsection (3) above shall not apply if and to the extent that—

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*Status: This is the original version (as it was originally enacted).*

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- (a) rules made by the Secretary of State so provide in the case of—
    - (i) a remand in custody which is wholly or partly concurrent with a sentence of imprisonment; or
    - (ii) sentences of imprisonment for consecutive terms or for terms which are wholly or partly concurrent; or
  - (b) it is in the opinion of the court just in all the circumstances not to give a direction under that subsection.
- (5) Where the court gives a direction under subsection (3) above, it shall state in open court—
- (a) the number of days for which the offender was remanded in custody; and
  - (b) the number of days in relation to which the direction is given.
- (6) Where the court does not give a direction under subsection (3) above, or gives such a direction in relation to a number of days less than that for which the offender was remanded in custody, it shall state in open court—
- (a) that its decision is in accordance with rules made under paragraph (a) of subsection (4) above; or
  - (b) that it is of the opinion mentioned in paragraph (b) of that subsection and what the circumstances are.
- (7) Rules under subsection (4)(a) above may make such incidental, supplemental and consequential provisions as may appear to the Secretary of State to be necessary or expedient.
- (8) For the purposes of this section a suspended sentence—
- (a) shall be treated as a sentence of imprisonment when it takes effect under section 119 below; and
  - (b) shall be treated as being imposed by the order under which it takes effect.
- (9) For the purposes of this section, the definition of “sentence of imprisonment” in section 163 below shall apply as if for the words from the beginning of the definition to the end of paragraph (a) there were substituted—
- ““sentence of imprisonment” does not include a committal—
- (a) in default of payment of any sum of money, other than one adjudged to be paid by a conviction;”;
- and references in this section to sentencing an offender to imprisonment, and to an offender’s sentence, shall be construed accordingly.
- (10) For the purposes of the reference in subsection (3) above to the term of imprisonment to which a person has been sentenced (that is to say, the reference to his “sentence”), consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term if—
- (a) the sentences were passed on the same occasion; or
  - (b) where they were passed on different occasions, the person has not been released under Part II of the Criminal Justice Act 1991 (early release of prisoners) at any time during the period beginning with the first and ending with the last of those occasions.
- (11) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of subsection (1) above to have been committed on the last of those days.

- (12) This section applies to—
- (a) a determinate sentence of detention under section 91 below, and
  - (b) a sentence of detention in a young offender institution,
- as it applies to an equivalent sentence of imprisonment.

## **88 Meaning of “remand in custody”**

- (1) References in section 87 above to an offender’s being remanded in custody are references to his being—
- (a) held in police detention;
  - (b) remanded in or committed to custody by an order of a court;
  - (c) remanded or committed to local authority accommodation under section 23 of the Children and Young Persons Act 1969 and placed and kept in secure accommodation; or
  - (d) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.
- (2) A person is in police detention for the purposes of subsection (1) above—
- (a) at any time when he is in police detention for the purposes of the Police and Criminal Evidence Act 1984; and
  - (b) at any time when he is detained under section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989.
- (3) In subsection (1) above, “secure accommodation” has the same meaning as in section 23 of the Children and Young Persons Act 1969.