



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART V

#### CUSTODIAL SENTENCES ETC.

#### CHAPTER II

##### DETENTION AND CUSTODY OF YOUNG OFFENDERS

##### *Detention at Her Majesty's pleasure or for specified period*

#### **91 Offenders under 18 convicted of certain serious offences: power to detain for specified period.**

- (1) Subsection (3) below applies where a person aged under 18 is convicted on indictment of—
- (a) an offence punishable in the case of a person aged 21 or over with imprisonment for 14 years or more, not being an offence the sentence for which is fixed by law; or
  - (b) an offence under section 14 of the <sup>M1</sup>Sexual Offences Act 1956 (indecent assault on a woman); or
  - (c) an offence under section 15 of that Act (indecent assault on a man) committed after 30th September 1997.

[<sup>F1</sup>(1A) Subsection (3) below also applies where—

- (a) a person aged under 18 is convicted on indictment of an offence—
  - (i) under subsection (1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) of section 5 of the Firearms Act 1968 (prohibited weapons), or
  - (ii) under subsection (1A)(a) of that section,

*Status: Point in time view as at 22/01/2004. This version of this provision has been superseded.*

*Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 91 is up to date with all changes known to be in force on or before 18 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)*

- (b) the offence was committed after the commencement of section 51A of that Act and at a time when he was aged 16 or over, and
  - (c) the court is of the opinion mentioned in section 51A(2) of that Act (exceptional circumstances which justify its not imposing required custodial sentence).]
- (2) Subsection (3) below also applies where a person aged at least 14 but under 18 is convicted of an offence under—
- (a) section 1 of the <sup>M2</sup>Road Traffic Act 1988 (causing death by dangerous driving); or
  - (b) section 3A of that Act (causing death by careless driving while under influence of drink or drugs).
- (3) If the court is of the opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period, not exceeding the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over, as may be specified in the sentence.
- (4) Subsection (3) above is subject to (in particular) sections 79 and 80 above.
- [<sup>F2</sup>(5) Where subsection (2) of section 51A of the Firearms Act 1968 requires the imposition of a sentence of detention under this section for a term of at least the required minimum term (within the meaning of that section), the court shall sentence the offender to be detained for such period, of at least that term but not exceeding the maximum term of imprisonment with which the offence is punishable in the case of a person aged 18 or over, as may be specified in the sentence.]

#### Textual Amendments

- F1** S. 91(1A) inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 289(1)(2)**, 336(3)(4); S.I. 2004/81, art. 3(1)(2)(b)
- F2** S. 91(5) inserted (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 289(1)(3)**, 336(3)(4); S.I. 2004/81, art. 3(1)(2)(b)

#### Modifications etc. (not altering text)

- C1** S. 91(1A)(c): power to repeal conferred (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 291(1)(b)**, 336(3)(4); S.I. 2004/81, art. 3(1)(2)(b)
- C2** S. 91(5): power to repeal conferred (22.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 291(1)(b)**, 336(3)(4); S.I. 2004/81, art. 3(1)(2)(b)

#### Marginal Citations

- M1** 1956 c. 69.
- M2** 1988 c. 52.

**Status:**

Point in time view as at 22/01/2004. This version of this provision has been superseded.

**Changes to legislation:**

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