



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 5

DANGEROUS OFFENDERS

[^{F1}Extended sentences]

[^{F1}226A Extended sentence for certain violent^[F2], sexual or terrorism] offences: persons 18 or over

- (1) This section applies where—
 - (a) a person aged 18 or over is convicted of a specified offence (whether the offence was committed before or after this section comes into force),
 - (b) the court considers that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences,
 - (c) the court is not required by section 224A or 225(2) to impose a sentence of imprisonment for life, and
 - (d) condition A or B is met.
- (2) Condition A is that, at the time the offence was committed, the offender had been convicted of an offence listed in Schedule 15B.
- (3) Condition B 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.
- (4) The court may impose an extended sentence of imprisonment on the offender.

Status: Point in time view as at 12/04/2019. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 2003, Section 226A is up to date with all changes known to be in force on or before 25 May 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)

- (5) 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.
- (6) The appropriate custodial term is the term of imprisonment that would (apart from this section) be imposed in compliance with section 153(2).
- (7) The extension period must be a period 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 the offender of further specified offences, subject to [F3subsections (7A) to (9)].
- [The extension period must be at least 1 year.]
 F4(7A)
- (8) The extension period must not exceed—
- (a) 5 years in the case of a specified violent offence, and
 - (b) 8 years in the case of a specified sexual offence [F5or a specified terrorism offence].
- (9) The term of an extended sentence of imprisonment imposed under this section in respect of an offence must not exceed the term that, at the time the offence was committed, was the maximum term permitted for the offence.
- (10) In subsections (1)(a) and (8), references to a specified offence, a specified violent offence and a specified sexual offence include an offence that—
- (a) was abolished before 4 April 2005, and
 - (b) would have constituted such an offence if committed on the day on which the offender was convicted of the offence.
- (11) Where the offence mentioned in subsection (1)(a) was committed before 4 April 2005—
- (a) subsection (1)(c) has effect as if the words “by section 224A or 225(2)” were omitted, and
 - (b) subsection (6) has effect as if the words “in compliance with section 153(2)” were omitted.]

Textual Amendments

- F1** Ss. 226A, 226B inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 124](#), [151\(1\)](#); [S.I. 2012/2906](#), [art. 2\(e\)](#)
- F2** Words in s. 226A heading substituted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), [ss. 9\(3\)\(a\)](#), [27\(3\)](#) (with [s. 25\(3\)\(4\)](#))
- F3** Words in s. 226A(7) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 8\(2\)\(a\)](#), [22\(1\)](#) (with [Sch. 7 para. 4](#)); [S.I. 2015/40](#), [art. 2\(h\)](#)
- F4** S. 226A(7A) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 8\(2\)\(b\)](#), [22\(1\)](#) (with [Sch. 7 para. 4](#)); [S.I. 2015/40](#), [art. 2\(h\)](#)
- F5** Words in s. 226A(8)(b) inserted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), [ss. 9\(3\)\(b\)](#), [27\(3\)](#) (with [s. 25\(3\)\(4\)](#))

Status: Point in time view as at 12/04/2019. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 2003, Section 226A is up to date with all changes known to be in force on or before 25 May 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)

Modifications etc. (not altering text)

- C1** S. 226A modified (temp.) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 21 para. 36(2)**; S.I. 2012/2906, art. 2(s)
- C2** Ss. 226A(4)-(9) applied (with modifications) by [Armed Forces Act 2006 \(c. 52\)](#), s. 219A(4)(5) (as inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 22 para. 5**; S.I. 2012/2906, art. 2(t))

Status:

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Changes to legislation:

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