



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

[^{F1} RELEASE, LICENCES^{F1}, SUPERVISION] AND RECALL]

Effect of remand in custody [^{F1} or on bail subject to certain types of condition]

[^{F1}240ZA] Time remanded in custody to count as time served: terms of imprisonment and detention

- (1) This section applies where—
 - (a) an offender is serving a term of imprisonment in respect of an offence, and
 - (b) the offender has been remanded in custody (within the meaning given by section 242) in connection with the offence or a related offence.
- (2) It is immaterial for that purpose whether, for all or part of the period during which the offender was remanded in custody, the offender was also remanded in custody in connection with other offences (but see subsection (5)).
- (3) The number of days for which the offender was remanded in custody in connection with the offence or a related offence is to count as time served by the offender as part of the sentence.

But this is subject to subsections (4) to (6).

- (4) If, on any day on which the offender was remanded in custody, the offender was also detained in connection with any other matter, that day is not to count as time served.
- (5) A day counts as time served—
 - (a) in relation to only one sentence, and

Status: Point in time view as at 29/06/2021. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 2003, Section 240ZA is up to date with all changes known to be in force on or before 27 April 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) only once in relation to that sentence.
- (6) A day is not to count as time served as part of any [^{F2}automatic release period served by the offender] (see section 255B(1)).
- [Where a court has made a declaration under section 327 of the Sentencing Code in
^{F3}(6A) relation to the offender in respect of the offence, this section applies to days specified under subsection (3) of that section as if they were days for which the offender was remanded in custody in connection with the offence or a related offence.]
- (7) For the purposes of this section a suspended sentence—
- (a) is to be treated as a sentence of imprisonment when it takes effect under [^{F4}paragraph 13(1)(a) or (b) of Schedule 16 to the Sentencing Code], and
 - (b) is to be treated as being imposed by the order under which it takes effect.
- (8) In this section “related offence” means an offence, other than the offence for which the sentence is imposed (“offence A”), with which the offender was charged and the charge for which was founded on the same facts or evidence as offence A.
- (9) For the purposes of the references in subsections (3) and (5) to the term of imprisonment to which a person has been sentenced (that is to say, the reference to the offender's “sentence”), consecutive terms and terms which are wholly or partly concurrent are to 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 at any time during the period beginning with the first and ending with the last of those occasions.
- (10) The reference in subsection (4) to detention in connection with any other matter does not include remand in custody in connection with another offence but includes—
- (a) detention pursuant to any custodial sentence;
 - (b) committal in default of payment of any sum of money;
 - (c) committal for want of sufficient distress to satisfy any sum of money;
 - (d) committal for failure to do or abstain from doing anything required to be done or left undone.
- (11) This section applies to a determinate sentence of detention under section 91 or 96 [^{F5}of the PCC(S)A 2000, under section 250, [^{F6}252A,] 254, 262, 265 [^{F7}, 266 or 268A] of the Sentencing Code or under] section [^{F8}226A, 226B,] 227[^{F9}, 228 or 236A] of this Act as it applies to an equivalent sentence of imprisonment.]

Textual Amendments

- F1** S. 240ZA inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 108\(2\), 151\(1\)](#) (with [Sch. 15](#)); [S.I. 2012/2906](#), art. 2(d)
- F2** Words in s. 240ZA(6) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 9\(6\), 22\(1\)](#) (with [Sch. 7 para. 5](#)); [S.I. 2015/40](#), art. 2(i)
- F3** S. 240ZA(6A) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 219\(2\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F4** Words in s. 240ZA(7)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 219\(3\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F5** Words in s. 240ZA(11) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 219\(4\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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- F6** Word in s. 240ZA(11) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 21(3)**
- F7** Words in s. 240ZA(11) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 9(3)**
- F8** Words in s. 240ZA(11) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 20 para. 4**; S.I. 2012/2906, art. 2(r)
- F9** Words in s. 240ZA(11) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 16**; S.I. 2015/778, art. 3, Sch. 1 para. 72

Modifications etc. (not altering text)

- C1** Pt. 12 Ch. 6 modified (1.12.2020) by Sentencing Act 2020 (c. 17), s. **245(1)(2)(c)**, 416(1) (with ss. 2, 245(3), 398(1), 406, Sch. 27); S.I. 2020/1236, reg. 2
- C2** Pt. 12 Ch. 6 modified (1.12.2020) by Sentencing Act 2020 (c. 17), s. **244(1)(2)(c)**, 416(1) (with ss. 2, 244(3), 398(1), 406, Sch. 27); S.I. 2020/1236, reg. 2

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