

Status: Point in time view as at 03/11/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008, Paragraph 2 is up to date with all changes known to be in force on or before 06 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)

SCHEDULES

SCHEDULE 6

CREDIT FOR PERIOD OF REMAND ON BAIL: TRANSITIONAL PROVISIONS

- 2 (1) This paragraph applies where—
- (a) a court sentences an offender to a term of imprisonment for an offence that was committed before 4th April 2005,
 - (b) the offender was remanded on bail by a court in the course of or in connection with proceedings for the offence, or any related offence, after the coming into force of paragraph 1, and
 - (c) the offender's bail was subject to a qualifying curfew condition and an electronic monitoring condition (“the relevant conditions”).
- (2) Subject to sub-paragraph (4), the court must by order specify the credit period.
- (3) The “credit period” is the number days represented by half of the sum of—
- (a) the day on which the offender's bail was first subject to conditions that, had they applied throughout the day in question, would have been relevant conditions, and
 - (b) the number of other days on which the offender's bail was subject to those conditions (excluding the last day on which it was so subject),
- rounded up to the nearest whole number.
- (4) Sub-paragraph (2) does not apply if and to the extent that—
- (a) rules made by the Secretary of State so provide, 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 as a result of paragraph (a) or (b) of sub-paragraph (4) the court does not specify the credit period under sub-paragraph (2), it may in accordance with either of those paragraphs by order specify a lesser period.
- (6) Rules under sub-paragraph (4)(a) may, in particular, make provision in relation to—
- (a) sentences of imprisonment for consecutive terms;
 - (b) sentences of imprisonment for terms which are wholly or partly concurrent;
 - (c) periods during which a person granted bail subject to the relevant conditions is also subject to electronic monitoring required by an order made by a court or the Secretary of State.
- (7) In considering whether it is of the opinion mentioned in sub-paragraph (4)(b) the court must, in particular, take into account whether or not the offender has, at any time whilst on bail subject to the relevant conditions, broken either or both of them.
- (8) Where the court specifies a period under sub-paragraph (2) or (5) it shall state in open court—
- (a) the number of days on which the offender was subject to the relevant conditions, and

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- (b) the number of days in the period specified.
- (9) Sub-paragraph (10) applies where the court—
- (a) does not specify the credit period under sub-paragraph (2) but does specify a lesser period under sub-paragraph (5), or
- (b) does not specify a period under either sub-paragraph (2) or (5).
- (10) The court shall state in open court—
- (a) that its decision is in accordance with rules made under paragraph (a) of sub-paragraph (4), or
- (b) that it is of the opinion mentioned in paragraph (b) of that sub-paragraph and what the circumstances are.
- (11) In this paragraph—
- “electronic monitoring condition” means any electronic monitoring requirements imposed under section 3(6ZAA) of the Bail Act 1976 (c. 63) for the purpose of securing the electronic monitoring of a person's compliance with a qualifying curfew condition;
- “qualifying curfew condition” means a condition of bail which requires the person granted bail to remain at one or more specified places for a total of not less than 9 hours in any given day; and
- “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.

Modifications etc. (not altering text)

- C1** Sch. 6 para. 2(2) excluded (3.11.2008) by [Remand on Bail \(Disapplication of Credit Period\) Rules 2008 \(S.I. 2008/2793\)](#), arts. 1(1), **2(2)** (with art. 2(1))
- C2** Sch. 6 para. 2(2) excluded (3.11.2008) by [Remand on Bail \(Disapplication of Credit Period\) Rules 2008 \(S.I. 2008/2793\)](#), arts. 1(1), **3(2)** (with art. 3(1))
- C3** Sch. 6 para. 2(2) excluded (3.11.2008) by [Remand on Bail \(Disapplication of Credit Period\) Rules 2008 \(S.I. 2008/2793\)](#), arts. 1(1), **4(2)** (with art. 4(1))

Commencement Information

- I1** Sch. 6 para. 2 in force at 3.11.2008 by [S.I. 2008/2712](#), art. 2, **Sch. para. 14**

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