



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 4

RELEASE ON LICENCE ETC

Calculation of days to be served

108 Crediting of periods of remand in custody

- (1) Omit section 240 of the Criminal Justice Act 2003 (court to direct that remand time be credited towards time served).
- (2) Before section 240A of that Act insert—

“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)).

Status: This is the original version (as it was originally enacted).

- (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—
- in relation to only one sentence, and
 - only once in relation to that sentence.
- (6) A day is not to count as time served as part of any period of 28 days served by the offender before automatic release (see section 255B(1)).
- (7) For the purposes of this section a suspended sentence—
- is to be treated as a sentence of imprisonment when it takes effect under paragraph 8(2)(a) or (b) of Schedule 12, and
 - 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—
- the sentences were passed on the same occasion, or
 - 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—
- detention pursuant to any custodial sentence;
 - committal in default of payment of any sum of money;
 - committal for want of sufficient distress to satisfy any sum of money;
 - 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 of the Sentencing Act or section 227 or 228 of this Act as it applies to an equivalent sentence of imprisonment.”