



# Sentencing Act 2020

## 2020 CHAPTER 17

### THIRD GROUP OF PARTS Disposals

#### PART 10

##### CUSTODIAL SENTENCES

#### CHAPTER 6

##### DANGEROUS OFFENDERS

##### *Interpretation*

### **306 Extended sentences: meaning of “specified offence” etc**

(1) An offence is a “specified offence” for the purposes of this Code if it is—

- (a) a specified violent offence,
- (b) a specified sexual offence, or
- (c) a specified terrorism offence.

(2) In this Part—

“serious harm” means death or serious personal injury, whether physical or psychological;

“specified violent offence” means an offence specified in Part 1 of Schedule 18;

“specified sexual offence” means an offence specified in Part 2 of that Schedule;

“specified terrorism offence” means an offence specified in Part 3 of that Schedule.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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### 307 Life sentences: meaning of “Schedule 19 offence”

- (1) In this Part “Schedule 19 offence” means an offence listed in Schedule 19 (certain specified offences carrying maximum sentence on indictment of imprisonment for life).
- (2) For the purposes of Schedule 19, an offence found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, must be taken to have been committed on the last of those days.

#### *The assessment of dangerousness*

### 308 The assessment of dangerousness

- (1) This section applies where it falls to a court to assess under any of the following provisions (which apply where an offender has committed a specified offence, however described) whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences—
  - (a) section 255, 267 or 280 (extended sentence for certain violent, sexual or terrorism offences);
  - (b) section 258, 274 or 285 (required life sentence for Schedule 19 offence).
- (2) In making that assessment, the court—
  - (a) must take into account all the information that is available to it about the nature and circumstances of the offence,
  - (b) may take into account all the information that is available to it about the nature and circumstances of any other offences of which the offender has been convicted by a court anywhere in the world,
  - (c) may take into account any information which is before it about any pattern of behaviour of which any of the offences mentioned in paragraph (a) or (b) forms part, and
  - (d) may take into account any information about the offender which is before it.
- (3) The reference in subsection (2)(b) to a conviction by a court includes a reference to—
  - (a) a conviction of an offence in—
    - (i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), or
    - (ii) any proceedings before a Standing Civilian Court;
 (and “conviction” here includes the recording of a finding that a charge in respect of the offence has been proved), and
  - (b) a conviction of—
    - (i) a service offence within the meaning of the Armed Forces Act 2006, or
    - (ii) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059),
 (and “conviction” here includes anything that under section 376(1) and (2) of the Armed Forces Act 2006 is to be treated as a conviction).

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### Supplementary

#### **309 Appeals where previous convictions set aside or previous sentences modified**

- (1) Subsection (3) applies where—
- (a) a sentence has been imposed on a person under section 273 or 283 (life sentence for second listed offence),
  - (b) a previous conviction of that person has been subsequently set aside on appeal, and
  - (c) without that conviction, the previous offence condition in section 273(5) or 283(5) would not have been met.
- (2) Subsection (3) also applies where—
- (a) a sentence has been imposed on a person under section 266 or 279 (extended sentences for adults),
  - (b) the earlier offence condition was met but the 4 year term condition was not, and
  - (c) any previous conviction of that person's without which the earlier offence condition would not have been met has been subsequently set aside on appeal.
- For this purpose, references to the earlier offence condition and the 4 year term condition are to be read in accordance with 267 or 280 (as the case may be).
- (3) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968, notice of appeal against the sentence may be given at any time within 28 days from the date on which the previous conviction was set aside.
- (4) Subsection (5) applies where—
- (a) a sentence has been imposed on a person under section 273 or 283,
  - (b) a previous sentence imposed on that person has been subsequently modified on appeal, and
  - (c) taking account of that modification, the previous offence condition in section 273(5) or 283(5) would not have been met.
- (5) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968, notice of appeal against the sentence mentioned in subsection (4)(a) may be given at any time within 28 days from the date on which the previous sentence was modified.

#### **310 Certificates of conviction**

Where—

- (a) a person is convicted in England and Wales of an offence listed in Schedule 14 or 15,
- (b) the court by or before which the person is so convicted states in open court that the person has been convicted of such an offence on that day, and
- (c) that court subsequently certifies that fact,

that certificate is evidence, for the purposes of section 267, 273, 280 or 283 (extended sentences for adults and life sentences for second listed offence), that the person was convicted of such an offence on that day.