

Status: Point in time view as at 29/06/2021.

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SCHEDULES

SCHEDULE 27

TRANSITIONAL PROVISIONS AND SAVINGS

PART 4

CUSTODIAL SENTENCES

Detention for breaching DTO supervision requirement

- 11 (1) Section 104B (interaction of orders under section 104(3)(a) with other orders) of the Powers of Criminal Courts (Sentencing) Act 2000 (“the 2000 Act”) (as it applies, despite its repeal by this Act, where a court is dealing with an offender in respect of an offence of which he or she was convicted before [^{F1}1 December 2020]) has effect as follows.
- (2) In subsection (1), a reference to a period of detention under section 104(3)(a) of the 2000 Act includes a reference to a period of detention under paragraph 3(2)(a) of Schedule 12 to the Sentencing Code.
- (3) In subsection (2)—
- (a) a reference to a detention and training order includes a reference to a detention and training order under section 233 of the Sentencing Code;
 - (b) a reference to section 102(2), (3), (4) or (5) of the 2000 Act includes a reference to section 241(2), (3), (4) or (5) of the Sentencing Code.

Textual Amendments

- F1** Words in Sch. 27 para. 11(1) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, [4\(8\)\(c\)](#)

Commencement Information

- I1** Sch. 27 para. 11 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restriction on making community order etc and suspended sentence order

- 12 (1) In section 203 (restriction on making community order and suspended sentence order)—
- (a) a reference to an offence in paragraph (b) or (c) includes a reference to an offence of which the offender was convicted before [^{F2}1 December 2020];
 - (b) in relation to such an offence, the reference to a suspended sentence order is to be read as a reference to an order under section 189(1) of the Criminal Justice Act 2003.

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- (2) In section 181(6) (restriction on making youth rehabilitation order and suspended sentence order), the reference to a suspended sentence order includes a reference to an order under section 189(1) of the Criminal Justice Act 2003.
- (3) A court may not impose a community sentence, within the meaning given by section 147(1) of the Criminal Justice Act 2003, in respect of an offence if it makes a suspended sentence order in respect of—
- (a) any other offence of which the offender is convicted by or before it, or
 - (b) any other offence for which it deals with the offender.

In this sub-paragraph “suspended sentence order” has the meaning given by section 286(1).

Textual Amendments

- F2** Words in Sch. 27 para. 12(1)(a) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, **4(8)(d)**

Commencement Information

- I2** Sch. 27 para. 12 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Making detention and training order where offender subject to other order

- 13 (1) In section 237 (making detention and training order where offender subject to other order etc), the second reference in subsection (2) to a detention and training order includes a reference to a detention and training order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000.
- (2) In section 101 of that Act (detention and training order: consecutive terms etc), the second reference in subsection (3) to a detention and training order includes a reference to a detention and training order under section 233 of the Sentencing Code.

Commencement Information

- I3** Sch. 27 para. 13 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Period on remand etc: effect on term of detention and training order

- 14 In section 239 (period on remand etc: effect on term of detention and training order), the reference in subsection (3) to two or more offences includes a reference to—
- (a) one or more offences of which the offender was convicted before [^{F3}1 December 2020], and
 - (b) one or more offences of which the offender was convicted on or after that date.

Accordingly, a reference in that subsection to a detention and training order includes a reference to a detention and training order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000.

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Textual Amendments

- F3** Words in Sch. 27 para. 14(a) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, **4(8)(e)**

Commencement Information

- I4** Sch. 27 para. 14 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Special custodial sentences for offenders of particular concern

- 15 (1) This paragraph applies where—
- (a) a court is dealing with an offender for two or more associated offences, within the meaning given by section 400,
 - (b) the offences include one that is listed in Schedule 13 (or Schedule 18A to the Criminal Justice Act 2003) (a “listed offence”), and
 - (c) the offender was convicted of at least one of the offences before [^{F4}1 December 2020] and convicted of at least one of them on or after that date.
- (2) Where the offender was convicted of the listed offence on or after [^{F5}1 December 2020]—
- [^{F6}(za) the reference in section 252A(1)(c)(i) to a sentence of detention for life under section 250 includes a reference to a sentence of detention for life under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000;
 - (zb) the reference in section 252A(1)(c)(ii) to an extended sentence of detention under section 254 includes a reference to an extended sentence of detention under section 226B of the Criminal Justice Act 2003;]
 - (a) the reference in section 265(1)(c)(i) to an extended sentence under section 266 includes a reference to an extended sentence under section 226A of the Criminal Justice Act 2003;
 - (b) the reference in section 265(1)(c)(ii) to a sentence of custody for life includes a reference to a sentence under section 94 of the Powers of Criminal Courts (Sentencing) Act 2000;
 - (c) the reference in section 278(1)(c)(i) to an extended sentence under section 279 includes a reference to an extended sentence under section 226A of the Criminal Justice Act 2003.
- (3) Where the offender was convicted of the listed offence before [^{F7}1 December 2020], the reference in section 236A(1)(c)(ii) of the Criminal Justice Act 2003 (read with section 236A(5) of that Act) to an extended sentence under section 226A of that Act includes a reference to an extended sentence under section 266 or 279 of the Sentencing Code.

Textual Amendments

- F4** Words in Sch. 27 para. 15(1)(c) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, **4(8)(f)**
- F5** Words in Sch. 27 para. 15(2) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, **4(8)(f)**
- F6** Sch. 27 para. 15(2)(za)(zb) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), **Sch. 13 para. 26(28)**

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- F7** Words in Sch. 27 para. 15(3) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, **4(8)(f)**

Commencement Information

- I5** Sch. 27 para. 15 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Special custodial sentences for offenders of particular concern: armed forces

- 16 (1) This paragraph applies where—
- (a) the Court Martial is dealing with an offender for two or more associated offences, within the meaning given by section 400,
 - (b) the offences include one that corresponds to an offence that is listed in Schedule 13 (or Schedule 18A to the Criminal Justice Act 2003) (a “listed offence”), and
 - (c) the offender was convicted of at least one of the offences before [^{F8}1 December 2020] and convicted of at least one of them on or after that date.
- (2) Where the offender was convicted of the listed offence on or after [^{F9}1 December 2020], the reference in section 224A(1)(d)(ii) of the Armed Forces Act 2006 to an extended sentence under section 266 or 279 of the Sentencing Code includes a reference to an extended sentence under section 226A of the Criminal Justice Act 2003.
- (3) Where the offender was convicted of the listed offence before [^{F10}1 December 2020], the reference in section 224A(1)(d)(ii) of the Armed Forces Act 2006 to an extended sentence under section 226A of the 2003 Act includes a reference to an extended sentence under section 266 or 279 of the Sentencing Code.

Textual Amendments

- F8** Words in Sch. 27 para. 16(1)(c) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, **4(8)(g)**
- F9** Words in Sch. 27 para. 16(2) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, **4(8)(g)**
- F10** Words in Sch. 27 para. 16(3) substituted (1.12.2020) by [The Sentencing Act 2020 \(Commencement No. 1\) Regulations 2020 \(S.I. 2020/1236\)](#), regs. 1, **4(8)(g)**

Commencement Information

- I6** Sch. 27 para. 16 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Certificates

- 17 A certificate given in accordance with subsection (1), (1A), (2) or (2A) of section 113 of the Powers of Criminal Courts (Sentencing) Act 2000 (certificates of conviction) is evidence, for the purposes of section 313 or 314, of the facts certified by it.

Commencement Information

- I7** Sch. 27 para. 17 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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- 18 A certificate by a court under section 232A of the Criminal Justice Act 2003 that a person was convicted in England and Wales of an offence listed in Schedule 15B to that Act is evidence, for the purposes of section 267, 273, 279 or 283, of the fact certified by it.

Commencement Information

18 Sch. 27 para. 18 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Restriction on imposing custodial sentence without legal representation

- 19 In relation to a pre-commencement case (within the meaning of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534)), the reference in section 226(7) to representation under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 includes representation referred to in section 83(3)(a) of the Powers of Criminal Courts (Sentencing) Act 2000 as it had effect immediately before 1 April 2013 (representation funded by the Legal Services Commission as part of the Criminal Defence Service).

Commencement Information

19 Sch. 27 para. 19 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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