



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 10

CUSTODIAL SENTENCES

CHAPTER 3

ADULTS AGED UNDER 21

Custody for life

273 Custody for life for second listed offence

- (1) Subsection (3) applies where—
 - (a) a court is dealing with an offender for an offence (“the index offence”) that is listed in Part 1 of Schedule 15,
 - (b) the index offence was committed on or after the relevant date,
 - (c) the offender is aged 18 or over but under 21 when convicted of the index offence, and
 - (d) the sentence condition and the previous offence condition are met.
- (2) In subsection (1)(b), “relevant date”, in relation to an offence, means the date specified for that offence in Part 1 of Schedule 15.
- (3) The court must impose a sentence of custody for life under section 272 unless the court is of the opinion that there are particular circumstances which—
 - (a) relate to—
 - (i) the index offence,
 - (ii) the previous offence referred to in subsection (5), or
 - (iii) the offender, and
 - (b) would make it unjust to do so in all the circumstances.

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- (4) The sentence condition is that, but for this section, the court would impose a sentence of detention in a young offender institution for 10 years or more, disregarding any extension period that it would impose under section 266.

Sections 230(2) and 231(2) apply for this purpose.

- (5) The previous offence condition is that—
- (a) when the index offence was committed, the offender had been convicted of an offence (“the previous offence”) listed in Schedule 15, and
 - (b) a relevant life sentence or a relevant sentence of detention for a determinate period was imposed on the offender for the previous offence.
- (6) For the purposes of subsection (5), Schedule 15 is to be read as if Part 1 did not include any offence for which the date specified in that Part is after the date on which the index offence was committed.
- (7) A life sentence is relevant for the purposes of subsection (5)(b) if—
- (a) the offender was not eligible for release during the first 5 years of the sentence, or
 - (b) the offender would not have been eligible for release during that period but for the reduction of the period of ineligibility to take account of a relevant pre-sentence period.
- (8) An extended sentence imposed under the Criminal Justice Act 2003 or this Code (including one imposed as a result of the Armed Forces Act 2006) is relevant for the purposes of subsection (5)(b) if the appropriate custodial term imposed was 10 years or more.
- (9) Any other extended sentence is relevant for the purposes of subsection (5)(b) if the custodial term imposed was 10 years or more.
- (10) Any other sentence of detention for a determinate period is relevant for the purposes of subsection (5)(b) if it was for a period of 10 years or more.
- (11) An extended sentence or other sentence of detention is also relevant if it would have been relevant under subsection (9) or (10) but for the reduction of the sentence, or any part of the sentence, to take account of a relevant pre-sentence period.
- (12) For the purposes of subsections (5) to (11)—
- “extended sentence” means—
- (a) a sentence imposed under section 254 or 266 (including one imposed as a result of section 219A or 221A of the Armed Forces Act 2006), or
 - (b) a sentence imposed under section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003 (including one imposed as a result of section 219A, 220, 221A or 222 of the Armed Forces Act 2006),
- or an equivalent sentence imposed under the law of Scotland, Northern Ireland or a member State (other than the United Kingdom);
- “life sentence” means—
- (a) a sentence of detention for life under—
 - (i) section 250,
 - (ii) section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, or
 - (iii) section 209 of the Armed Forces Act 2006,

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- (b) a sentence of detention during Her Majesty’s pleasure under—
 - (i) section 259,
 - (ii) section 90 of the Powers of Criminal Courts (Sentencing) Act 2000, or
 - (iii) section 218 of the Armed Forces Act 2006, or
- (c) a sentence of custody for life under—
 - (i) section 272 or 275 (including one passed as a result of section 210A, 217, 218A or 219 of the Armed Forces Act 2006), or
 - (ii) section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000 (including one passed as a result of paragraph 6 or 7 of Schedule 2 to the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)),

or an equivalent sentence imposed under the law of Scotland, Northern Ireland or a member State (other than the United Kingdom);

“relevant pre-sentence period”, in relation to the previous offence referred to in subsection (5), means any period which the offender spent in custody or on bail before the sentence for that offence was imposed;

“sentence of detention” includes any sentence of a period in custody (however expressed).

- (13) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.
- (14) Where an offence is 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, it must be taken for the purposes of subsections (1)(b), (5)(a) and (6) to have been committed on the last of those days.