
Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Paragraph 26. (See end of Document for details)

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AND RELATED AMENDMENTS

PART 4

SENTENCE FOR OFFENDERS OF PARTICULAR CONCERN AGED UNDER 18 AT TIME OF OFFENCE: ENGLAND AND WALES

Sentencing Act 2020 (c. 17)

26 (1) The Sentencing Act 2020 is amended as follows.

(2) After section 16 insert—

“16A Committal for sentence of young offenders on summary trial of certain terrorist offences

(1) This section applies where—

- (a) on summary trial of an offence within section 252A(1)(a) (terrorism offences attracting special sentence for offenders of particular concern), a person is convicted of the offence,
- (b) the person is aged under 18 at the time of conviction, and
- (c) the court is of the opinion that—
 - (i) the offence, or
 - (ii) the combination of the offence and one or more offences associated with it,

was such that the Crown Court should have power to deal with the offender by imposing a sentence of detention under section 252A for a term of more than two years.

(2) The court may commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 22(2).

(3) For powers of the court, where it commits a person under subsection (2), also to commit in respect of other offences, see section 20.”

(3) In section 17(4) (power to commit dangerous young offender for sentence not to affect other powers of committal), after “16” insert “, 16A ”.

(4) In section 19 (committal for sentence on indication of guilty plea by child with related offences)—

- (a) in subsection (1)(b), at the end insert “ or section 252A(1)(a) (terrorism offences attracting special sentence for offenders of particular concern) ”;
- (b) in subsection (2)(a), after “249(1)” insert “ or within section 252A(1)(a) ”;

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- (c) in subsection (3)(b), after “16(2)” insert “, 16A(2)”.
- (5) In section 22 (powers of Crown Court where offender aged under 18 committed for sentence)—
- (a) in the heading, after “16,” insert “ 16A, ”;
 - (b) in subsection (1), after paragraph (a) insert—
 - “(aa) section 16A(2) (committal for sentence of young offenders on summary trial of certain terrorist offences),”;
 - (c) in subsection (4)(b), after “16(2)” insert “, 16A(2)”.
- (6) In section 166(5) (periods of extension of driving disqualification order where custodial sentence imposed), after entry 1 in the table insert—
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| “1A | a sentence of detention under two-thirds of the term imposed pursuant section 252A (special sentence of to section 252A(5) (the appropriate detention for terrorist offenders of custodial term)”. |
| | particular concern) |
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- (7) In section 221(2) (kinds of custodial sentence dealt with by Chapter 2 of Part 10), after paragraph (b) insert—
- “(ba) special sentences of detention for terrorist offenders of particular concern (section 252A),”.
- (8) In section 225 (restriction on consecutive sentences for released prisoners), in subsection (3)(c), after sub-paragraph (i) insert—
- “(ia) section 252A,”.
- (9) In section 226(2)(b) (sentences which may not be imposed on offender aged under 21 without representation), after “(or 254)” insert “, under section 252A ”.
- (10) In section 234(1)(c) (sentences to be considered before detention and training order), after sub-paragraph (i) (but before the final “or”) insert—
- “(ia) a sentence of detention under section 252A,”.
- (11) In section 241(6) (modification of order for release from detention and training order where offender subject to another sentence), in paragraph (b), after sub-paragraph (i) insert—
- “(ia) a sentence of detention under section 252A,”.
- (12) In section 248(4) (meaning of “relevant sentence of detention”), after paragraph (a) insert—
- “(aa) a sentence of detention under section 252A,”.
- (13) In section 249(1) (availability of sentence of detention under section 250), after “table” insert “ (but the court is not required to pass a sentence of detention under section 252A) ”.
- (14) Before section 253, insert as an italic heading, “ Sentences of detention passed during detention and training order ”.
- (15) In section 253 (effect of sentence of detention where offender already subject to detention and training order), in subsection (1), after “250” insert “ or 252A ”.
- (16) In section 255(1)(a) (offences for which extended sentence of detention available), for sub-paragraph (ii) substitute—

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“(ii) is one for which a sentence of detention is available under section 250 or 252A (see the table in section 249(1) and section 252A(1)(a) and (b)).”

(17) In section 260 (place and conditions of detention), in the heading and in subsection (1), after “250” insert “, 252A ”.

(18) In section 265 (special sentence of detention in young offender institution for offenders of particular concern), after subsection (3) insert—

“(4) 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 subsection (1A) to have been committed on the last of those days.”

(19) In section 278 (special sentence of imprisonment for offenders of particular concern), after subsection (3) insert—

“(4) 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 subsection (1A) to have been committed on the last of those days.”

(20) In section 311(3) (appropriate type of sentence where minimum sentence for firearms offence imposed), after “250” insert “ or, in a case to which section 252A applies, under that section ”.

(21) In section 312 (minimum sentence for threatening with weapon or bladed article), after subsection (3) insert—

“(4) This section is subject to section 252A.”

(22) In section 315 (minimum sentence for repeat offence involving weapon or bladed article), after subsection (5) insert—

“(6) This section is subject to section 252A.”

(23) In section 325(5) (sentences where certain time on bail to count towards term), in paragraph (c), after “section 250” insert “, 252A ”.

(24) In section 327(2) (sentences where time in custody awaiting extradition to count towards term), in paragraph (c), after “section 250” insert “, 252A ”.

(25) In section 329 (conversion of sentences of detention to imprisonment)—

(a) in subsection (3), for “(4) and” substitute “ (4) to ”;

(b) after subsection (4) insert—

“(4A) If the relevant custodial sentence is—

(a) a sentence of detention under section 252A, or

(b) a sentence of detention in a young offender institution under section 265,

the offender is to be treated as if sentenced to a sentence of imprisonment under section 278.”;

(c) in subsection (7), after paragraph (a) insert—

“(aa) a sentence of detention under section 252A;”.

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- (26) In section 417(3) (commencement of provisions of Schedule 22 which relate to prospective abolition of sentences of detention in a young offender institution), in paragraph (c), after “51” insert “, 51A”.
- (27) In Schedule 22 (amendments of the Sentencing Code, including in relation to prospective abolition of sentences of detention in a young offender institution)—
- (a) after paragraph 51 insert—

“51A In section 252A (special sentence of detention for terrorist offenders of particular concern aged under 18), in subsection (4), for “21” substitute “ 18 ”.”;
 - (b) in paragraph 70 (amendment of section 329 of the Sentencing Code in relation to the prospective abolition of sentences of detention in a young offender institution), before paragraph (a) insert—

“(zb) in subsection (4A), omit paragraph (b) (and the word “or” immediately before it);”.
- (28) In Schedule 27 (transitional provision and savings), in paragraph 15(2), before paragraph (a) insert—
- “(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;”.

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