



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 7

SENTENCING AND RELEASE

CHAPTER 1

CUSTODIAL SENTENCES

Life sentences: time to be served

129 Life sentence not fixed by law: minimum term

(1) In section 323 of the Sentencing Code (minimum term order for life sentence not fixed by law)—

(a) after subsection (1) insert—

“(1A) The starting point, in determining the minimum term, is the relevant portion of the notional determinate sentence.

(1B) The “notional determinate sentence”, in relation to a life sentence, is the custodial sentence that the court would have imposed if the court had not imposed the life sentence.

(1C) The “relevant portion” of the notional determinate sentence is—

(a) where that sentence is within section 247A(2A) of the Criminal Justice Act 2003 (terrorist prisoners not entitled to early release), the term that the court would have determined as the appropriate custodial term (within the meaning given by subsection (8) of that section);

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 129. (See end of Document for details)

- (b) where that sentence is a sentence under section 252A, 254, 265, 266, 278 or 279 (and is not within paragraph (a)), two-thirds of the term that the court would have determined as the appropriate custodial term under that section;
 - (c) where that sentence is any other custodial sentence, two-thirds of the term of the sentence.”;
 - (b) in subsection (2)—
 - (i) for the words before paragraph (a), substitute “The minimum term must be the starting point adjusted as the court considers appropriate, taking into account—”;
 - (ii) omit paragraph (b) (but not the final “and”).
- (2) In section 261A(3) of the Armed Forces Act 2006 (life sentences: further provision), before paragraph (a) insert—
 - “(za) subsection (1C)(b) has effect as if for “section 252A, 254, 265, 266, 278 or 279” there were substituted—
 - (i) section 224A or 224B of the Armed Forces Act 2006, or
 - (ii) section 254, 266, 278 or 279 passed as a result of section 219A, 219ZA or 221A of that Act,”.
- (3) In the Sentencing Act 2020—
 - (a) in section 61 (sentencing guidelines for life sentences etc)—
 - (i) for subsection (6), for the words from “the notional” to “made under” substitute “the notional determinate sentence within the meaning of”;
 - (ii) omit subsection (7);
 - (b) omit the following (which concern the commencement of paragraph 85 of Schedule 22)—
 - (i) section 407(1)(b)(ii) (but not the final “or”);
 - (ii) section 417(8);
 - (c) in Schedule 22 (prospective amendments of the Sentencing Code)—
 - (i) in paragraph 68A (amendments of section 323 of the Sentencing Code in relation to prospective abolition of detention in young offender institution), before sub-paragraph (a) insert—
 - “(za) in subsection (1C)(b), omit “265, 266,”;
 - (ii) omit paragraph 85 (prospective amendments of section 323);
 - (d) in paragraph 20A of Schedule 26 (amendments of section 261A of Armed Forces Act 2006 in relation to prospective abolition of detention in young offender institution), before sub-paragraph (a) insert—
 - “(za) in paragraph (za)—
 - (i) in the words before sub-paragraph (i), omit “265, 266,”;
 - (ii) in sub-paragraph (ii), omit “266,”.

Commencement Information

- I1** S. 129, see **s. 208(1)**
- I2** S. 129(1)(3)(a)(c)(d) in force at 28.6.2022 by **S.I. 2022/520, reg. 5(n)**
- I3** S. 129(2)(3)(b)(ii) in force at 28.6.2022 by **S.I. 2022/520, reg. 5(l)**
- I4** S. 129(3)(b)(i) in force at 28.6.2022 by **S.I. 2022/520, reg. 5(m)**

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