



# Criminal Justice and Courts Services Act 2000

## 2000 CHAPTER 43

### PART III

#### DEALING WITH OFFENDERS

### CHAPTER II

#### MISCELLANEOUS

#### *Detention*

#### **59 Remand centres**

In section 43(1) of the Prison Act 1952 (places of detention provided by Secretary of State), paragraph (a) (remand centres) is to cease to have effect.

#### **60 Life sentences: tariffs**

(1) After section 82 of the Powers of Criminal Courts (Sentencing) Act 2000 there is inserted—

#### *“Life sentences*

#### **82A Determination of tariffs**

(1) This section applies if a court passes a life sentence in circumstances where—

- (a) the sentence is not fixed by law; or
- (b) the offender was aged under 18 when he committed the offence.

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) The court shall, unless it makes an order under subsection (4) below, order that the provisions of section 28(5) to (8) of the Crime (Sentences) Act 1997 (referred to in this section as the “early release provisions”) shall apply to the offender as soon as he has served the part of his sentence which is specified in the order.
- (3) The part of his sentence shall be such as the court considers appropriate taking into account—
- (a) the seriousness of the offence, or of the combination of the offence and one or more offences associated with it;
  - (b) the effect of any direction which it would have given under section 87 below (crediting periods of remand in custody) if it had sentenced him to a term of imprisonment; and
  - (c) the early release provisions as compared with sections 33(2) and 35(1) of the Criminal Justice Act 1991.
- (4) If the court is of the opinion that, because of the seriousness of the offence or of the combination of the offence and one or more offences associated with it, no order should be made under subsection (2) above, the court shall order that, subject to subsection (5) below, the early release provisions shall not apply to the offender.
- (5) If, in a case where an order under subsection (4) above is in force, the offender was aged under 18 when he committed the offence, the Secretary of State shall at the appropriate stage direct that the early release provisions shall apply to the offender as soon as he has served the part of his sentence which is specified in the direction.
- (6) The appropriate stage, for the purposes of subsection (5) above, is when the Secretary of State has formed the opinion, having regard to any factors determined by him to be relevant for the purpose, that it is appropriate for him to give the direction.
- (7) In this section—
- “court” includes a court-martial;
  - “life sentence” has the same meaning as in Chapter II of Part II of the Crime (Sentences) Act 1997.
- (8) So far as this section relates to sentences passed by a court-martial, section 167(1) below does not apply.”
- (2) In section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders who commit murder when under 18: duty to detain at Her Majesty’s pleasure), after “murder” there is inserted “or any other offence the sentence for which is fixed by law as life imprisonment”; and, in the sidenote, after “murder” there is inserted “etc.”.
- (3) This section has effect in relation to sentences passed after the coming into force of this section.
- (4) In relation to any time before the coming into force of section 87 of the Powers of Criminal Courts (Sentencing) Act 2000, section 82A of that Act shall have effect as if, in paragraph (b) of subsection (3), for “of any direction which it would have given under section 87 below (crediting periods of remand in custody)” there were substituted “which section 67 of the Criminal Justice Act 1967 would have had”.

**61 Abolition of sentences of detention in a young offender institution, custody for life, etc**

- (1) No court is to pass a sentence of detention in a young offender institution or a sentence of custody for life, and no court is to make a custodial order except in relation to a person who is aged at least 17 but under 18.
- (2) No court is to commit a person to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of persons aged at least 18 but under 21 for default or contempt) or make an order fixing a term of detention under that section.
- (3) A person who—
  - (a) has been sentenced (before the coming into force of this section) to a term of detention in a young offender institution, to custody for life or to a custodial order, and
  - (b) is aged at least 18 but under 21,may be detained in a young offender institution, or in a prison, determined by the Secretary of State.
- (4) A person—
  - (a) who has been committed (before the coming into force of this section) to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 or in respect of whom an order fixing a term of detention under that section has been made (before the coming into force of this section), and
  - (b) who is aged under 21,may be detained in a young offender institution, or in a prison, determined by the Secretary of State.
- (5) A person who has been sentenced to imprisonment and is aged under 21 may be detained—
  - (a) in a prison, or
  - (b) in a young offender institution in which one or more persons mentioned in subsection (3) or (4) are detained,determined by the Secretary of State.
- (6) A determination of the Secretary of State under this section may be made in respect of an individual or any description of individuals.
- (7) The repeal by this Act of section 106(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (interaction of sentences of detention in a young offender institution) does not affect the validity of any order made, or having effect as if made, under paragraph (b) of that subsection.
- (8) In this section—

“court” includes a court-martial and a Standing Civilian Court,

“custodial order” means an order under—

  - (a) section 71AA of, or paragraph 10 of Schedule 5A to, the Army Act 1955,
  - (b) section 71AA of, or paragraph 10 of Schedule 5A to, the Air Force Act 1955,
  - (c) section 43AA of, or paragraph 10 of Schedule 4A to, the Naval Discipline Act 1957.

---

*Status: This is the original version (as it was originally enacted).*

---

(9) On the coming into force of this section—

- (a) paragraph (b) of the definition of “qualifying sentence” in section 30(1), and
  - (b) paragraph (b) of the definition of “relevant sentence” in section 69(7),
- are omitted.