

*Status: This version of this provision is prospective.*

*Changes to legislation: Criminal Justice and Court Services Act 2000, Section 61 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Criminal Justice and Court Services Act 2000

## 2000 CHAPTER 43

### PART III

#### DEALING WITH OFFENDERS

### CHAPTER II

#### MISCELLANEOUS

#### *Detention*

PROSPECTIVE

**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

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(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.

<sup>F1</sup>(7) .....

(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 <sup>M1</sup>Army Act 1955,

(b) section 71AA of, or paragraph 10 of Schedule 5A to, the <sup>M2</sup>Air Force Act 1955,

(c) section 43AA of, or paragraph 10 of Schedule 4A to, the <sup>M3</sup>Naval Discipline Act 1957.

(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.

**Extent Information**

E1 S. 61 extends to U.K., see s. 81(1)(2)(c)

**Textual Amendments**

F1 S. 61(7) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**Marginal Citations**

M1 1955 c. 18.

M2 1955 c. 19.

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**M3** 1957 c. 53.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(1)(a)(aa) substituted for s. 64(1)(a) by [2003 c. 44 s. 266\(2\)](#)
- s. 64(4A) inserted by [2003 c. 44 s. 266\(3\)](#)
- s. 64(5)(f) and word inserted by [2003 c. 44 s. 266\(4\)](#)
- s. 64(5)(f) words inserted by [2006 c. 52 Sch. 16 para. 185\(a\)](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 21 para. 18](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 22 para. 19](#)
- s. 64(6) amendment to earlier affecting provision [2003 c. 44 s. 266\(5\)](#) by [S.I. 2008/912 Sch. 1 para. 19\(15\)](#)
- s. 64(6) inserted by [2003 c. 44 s. 266\(5\)](#)
- s. 64(6) words repealed by [2004 c. 31 Sch. 5 Pt. 4](#)
- s. 64(8) words inserted by [2021 c. 11 Sch. 13 para. 38\(5\)](#)
- s. 85(7B) applied (with modifications) by [S.I. 2014/3141 Sch. 3 para. 5\(7\)](#)