



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 6

[^{F1} RELEASE, LICENCES^{F1}, SUPERVISION] AND RECALL]

Effect of remand in custody [^{F1} or on bail subject to certain types of condition]

[^{F1}240ZA] **Time remanded in custody to count as time served: terms of imprisonment [^{F2} or detention and detention and training orders]**

- (1) This section applies where—
- an offender is serving a term of imprisonment in respect of an offence, and
 - the offender has been remanded in custody (within the meaning given by section 242) in connection with the offence or a related offence.
- [This section also applies where—
- ^{F3}(1A) (a) a court, on or after the day on which Schedule 16 to the Police, Crime, Sentencing and Courts Act 2022 came into force, makes a detention and training order in respect of an offender for an offence, and
- the offender concerned has been remanded in custody in connection with the offence or a related offence.
- (1B) In this section any reference to a “sentence”, in relation to an offender, is to—
- a term of imprisonment being served by the offender as mentioned in subsection (1)(a), or
 - a detention and training order made in respect of the offender as mentioned in subsection (1A)(a).]

Changes to legislation: *Criminal Justice Act 2003, Section 240ZA is up to date with all changes known to be in force on or before 26 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*

- (2) It is immaterial for [^{F4}the purposes of subsection (1)(b) or (1A)(b)] whether, for all or part of the period during which the offender was remanded in custody, the offender was also remanded in custody in connection with other offences (but see subsection (5)).
- (3) The number of days for which the offender was remanded in custody in connection with the offence or a related offence is to count as time served by the offender as part of the sentence.

But this is subject to subsections (4) to (6).

- (4) If, on any day on which the offender was remanded in custody, the offender was also detained in connection with any other matter, that day is not to count as time served.
- (5) A day counts as time served—
- (a) in relation to only one sentence, and
 - (b) only once in relation to that sentence.
- (6) A day is not to count as time served as part of any [^{F5}automatic release period served by the offender] (see section 255B(1)).

[Where a court has made a declaration under section 327 of the Sentencing Code in
^{F6}(6A) relation to the offender in respect of the offence, this section applies to days specified under subsection (3) of that section as if they were days for which the offender was remanded in custody in connection with the offence or a related offence.]

- (7) For the purposes of this section a suspended sentence—
- (a) is to be treated as a sentence of imprisonment when it takes effect under [^{F7}paragraph 13(1)(a) or (b) of Schedule 16 to the Sentencing Code], and
 - (b) is to be treated as being imposed by the order under which it takes effect.
- (8) In this section “related offence” means an offence, other than the offence for which the sentence is imposed (“offence A”), with which the offender was charged and the charge for which was founded on the same facts or evidence as offence A.

[^{F8}(8A) Subsection (9) applies in relation to an offender who is sentenced to two or more consecutive sentences or sentences which are wholly or partly concurrent if—

- (a) the sentences were imposed on the same occasion, or
- (b) where they were imposed on different occasions, the offender has not been released during the period beginning with the first and ending with the last of those occasions.

(9) For the purposes of subsections (3) and (5), the sentences are to be treated as a single sentence.]

- (10) The reference in subsection (4) to detention in connection with any other matter does not include remand in custody in connection with another offence but includes—
- (a) detention pursuant to any custodial sentence;
 - (b) committal in default of payment of any sum of money;
 - (c) committal for want of sufficient distress to satisfy any sum of money;
 - (d) committal for failure to do or abstain from doing anything required to be done or left undone.

(11) This section applies to a determinate sentence of detention under section 91 or 96 [^{F9}of the PCC(S)A 2000, under section 250, [^{F10}252A,] 254, 262, 265 [^{F11}, 266 or 268A] of

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the Sentencing Code or under] section [^{F12}226A, 226B,] 227^{F13}, 228 or 236A] of this Act as it applies to an equivalent sentence of imprisonment.]

Textual Amendments

- F1** S. 240ZA inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), **ss. 108(2)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F2** Words in s. 240ZA heading substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(5)(s), **Sch. 16 para. 2(2)**
- F3** S. 240ZA(1A)(1B) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(5)(s), **Sch. 16 para. 2(3)**
- F4** Words in s. 240ZA(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(5)(s), **Sch. 16 para. 2(4)**
- F5** Words in s. 240ZA(6) substituted (1.2.2015) by [Offender Rehabilitation Act 2014](#) (c. 11), **ss. 9(6)**, 22(1) (with [Sch. 7 para. 5](#)); S.I. 2015/40, art. 2(i)
- F6** S. 240ZA(6A) inserted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 24 para. 219(2)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F7** Words in s. 240ZA(7)(a) substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 24 para. 219(3)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F8** S. 240ZA(8A)(9) substituted for s. 240ZA(9) (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(5)(s), **Sch. 16 para. 2(5)**
- F9** Words in s. 240ZA(11) substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 24 para. 219(4)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F10** Word in s. 240ZA(11) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021](#) (c. 11), s. 50(1)(i), **Sch. 13 para. 21(3)**
- F11** Words in s. 240ZA(11) substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021](#) (c. 11), s. 50(2)(v), **Sch. 13 para. 9(3)**
- F12** Words in s. 240ZA(11) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), **Sch. 20 para. 4**; S.I. 2012/2906, art. 2(r)
- F13** Words in s. 240ZA(11) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015](#) (c. 2), s. 95(1), **Sch. 1 para. 16**; S.I. 2015/778, art. 3, Sch. 1 para. 72

Modifications etc. (not altering text)

- C1** Pt. 12 Ch. 6 modified (1.12.2020) by [Sentencing Act 2020](#) (c. 17), **s. 245(1)(2)(c)**, 416(1) (with [ss. 2, 245\(3\), 398\(1\), 406, Sch. 27](#)); S.I. 2020/1236, reg. 2
- C2** Pt. 12 Ch. 6 modified (1.12.2020) by [Sentencing Act 2020](#) (c. 17), **s. 244(1)(2)(c)**, 416(1) (with [ss. 2, 244\(3\), 398\(1\), 406, Sch. 27](#)); S.I. 2020/1236, reg. 2

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

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. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))

- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)