



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 10

CUSTODIAL SENTENCES

CHAPTER 9

SENTENCE ADMINISTRATION

Declaration about time to count as served

325 Time on bail under certain conditions: declaration by court

- (1) This section applies where—
- (a) a court passes a determinate sentence on an offender in respect of an offence (see subsection (5)),
 - (b) the offender was remanded on bail by a court in course of or in connection with proceedings for the offence, or any related offence, and
 - (c) the offender's bail was subject to a qualifying curfew condition and an electronic monitoring condition (“the relevant conditions”).
- (2) The court must specify the credit period for the purposes of section 240A of the Criminal Justice Act 2003 (time remanded on bail to count towards time served) in relation to the sentence.
- (3) The credit period is calculated by taking the following steps.
- Step 1*
- Add—
- (a) the day on which the offender's bail was first subject to the relevant conditions (and for this purpose a condition is not prevented from being

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a relevant condition by the fact that it does not apply for the whole of the day in question), and

- (b) the number of other days on which the offender's bail was subject to those conditions (but exclude the last of those days if the offender spends the last part of it in custody).

Step 2

Deduct the number of days on which the offender, whilst on bail subject to the relevant conditions, was also—

- (a) subject to any requirement imposed for the purpose of securing the electronic monitoring of the offender's compliance with a curfew requirement, or
- (b) on temporary release under rules made under section 47 of the Prison Act 1952.

Step 3

From the remainder, deduct the number of days during that remainder on which the offender has broken either or both of the relevant conditions.

Step 4

Divide the result by 2.

Step 5

If necessary, round up to the nearest whole number.

- (4) Where the court makes a declaration under subsection (2) it must state in open court—
 - (a) the number of days on which the offender was subject to the relevant conditions, and
 - (b) the number of days (if any) which it deducted under each of steps 2 and 3.
- (5) For the purposes of subsection (1)(a), a court passes a determinate sentence if it—
 - (a) sentences the offender to imprisonment for a term,
 - (b) passes a determinate sentence of detention in a young offender institution, ^{F1}...
 - (c) passes a determinate sentence of detention under section 250 [^{F2}, 252A] or 254 (offenders aged under 18) [^{F3}, or
 - (d) makes a detention and training order.]
- (6) For those purposes, a suspended sentence—
 - (a) is to be treated as a determinate sentence when it is activated under paragraph 13(1)(a) or (b) of Schedule 16, and
 - (b) is to be treated as being imposed by the order under which it is activated.
- (7) Section 240ZA of the Criminal Justice Act 2003 makes provision about time remanded in custody which is to count as time served.

Textual Amendments

- F1** Word in s. 325(5)(b) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(5)(s), [Sch. 16 para. 9\(a\)](#)
- F2** Word in s. 325(5)(c) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021](#) (c. 11), s. 50(1)(i), [Sch. 13 para. 26\(23\)](#)
- F3** S. 325(5)(d) and word inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(5)(s), [Sch. 16 para. 9\(b\)](#)

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Commencement Information

II S. 325 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

326 Section 325: interpretation

(1) For the purposes of section 325, “sentence of imprisonment” does not include a committal—

- (a) in default of payment of any sum of money, other than one adjudged to be paid on a conviction,
- (b) for want of sufficient distress to satisfy any sum of money, or
- (c) for failure to do or abstain from doing anything required to be done or left undone,

and references to sentencing an offender to imprisonment are to be read accordingly.

This definition has effect in place of the definition of “sentence of imprisonment” in section 397 for those purposes.

(2) For the purposes of section 325(1), another offence is “related” to the offence in respect of which the sentence is passed (the “sentenced offence”) if—

- (a) the offender was charged with that other offence, and
- (b) the charge for that other offence was founded on the same facts or evidence as the sentenced offence.

(3) In section 325—

“curfew requirement” means a requirement (however described) to remain at one or more specified places for a specified number of hours in any given day, which—

- (a) is imposed by a court or the Secretary of State, and
- (b) arises as a result of a conviction;

“electronic monitoring condition” means any electronic monitoring requirements imposed under section 3(6ZAA) of the Bail Act 1976 for the purpose of securing the electronic monitoring of a person’s compliance with a qualifying curfew condition;

“qualifying curfew condition” means a condition of bail which requires the person granted bail to remain at one or more specified places for a total of not less than 9 hours in any given day.

Commencement Information

I2 S. 326 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

327 Period in custody awaiting extradition: declaration by court

(1) This section applies where a court imposes a fixed-term sentence on a person who—

- (a) was tried for the offence in respect of which the sentence was imposed, or received the sentence—
 - (i) after having been extradited to the United Kingdom, and
 - (ii) without having first been restored or had an opportunity of leaving the United Kingdom, and

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- (b) was for any period kept in custody while awaiting extradition to the United Kingdom as mentioned in paragraph (a).
- (2) In this section “fixed term sentence” means—
- (a) a sentence of imprisonment for a determinate term,
 - (b) a determinate sentence of detention in a young offender institution, ^{F4}...
 - (c) a determinate sentence of detention under section 250 [^{F5}, 252A] or 254 [^{F6}, or
 - (d) a detention and training order.]
- (3) The court must specify in open court the number of days for which the prisoner was kept in custody while awaiting extradition.

Textual Amendments

- F4** Word in s. 327(2)(b) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 16 para. 10\(a\)](#)
- F5** Word in s. 327(2)(c) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(24\)](#)
- F6** S. 327(2)(d) and word inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), [Sch. 16 para. 10\(b\)](#)

Commencement Information

- I3** S. 327 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Recommendations

328 Power of court to recommend licence conditions for adults sentenced to term of 12 months or more

- (1) This section applies where a court sentences an offender to—
- (a) a term of imprisonment, or
 - (b) a term of detention in a young offender institution,
- of 12 months or more in respect of any offence.
- (2) The court may, when passing sentence, recommend to the Secretary of State particular conditions which in its view should be included in any licence granted to the offender under Chapter 6 of Part 12 of the Criminal Justice Act 2003 on the offender's release from prison or detention.
- (3) A recommendation under subsection (2) is not to be treated for any purpose as part of the sentence passed on the offender.

Modifications etc. (not altering text)

- C1** S. 328 modified by 2006 c. 52, s. 262 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 61](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

- I4** S. 328 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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Conversion of sentence of detention or custody to sentence of imprisonment

329 Conversion of sentence of detention to sentence of imprisonment

- (1) This section applies where a court has passed a relevant custodial sentence sentencing an offender to a term of detention and the offender—
- (a) has reached the age of 21, or
 - (b) has reached the age of 18 and has been reported to the Secretary of State by the independent monitoring board of the institution in which the offender is detained as—
 - (i) exercising a bad influence on the other inmates of the institution, or
 - (ii) behaving in a disruptive manner to the detriment of those inmates.

- (2) The Secretary of State may direct that the offender is to be treated as if sentenced to imprisonment for the same term.

This is subject to the following provisions of this section.

Effect of direction

- (3) Subsections [F7(4) to][F8 (5A)] apply where the Secretary of State gives a direction under subsection (2) in relation to the offender.

- (4) The portion of the term of detention imposed under the relevant custodial sentence which the offender has already served is to be deemed to have been a portion of a term of imprisonment.

[F9(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.]

- (5) If the relevant custodial sentence is—

- (a) an extended sentence of detention under section 254, or
- (b) an extended sentence of detention in a young offender institution,

the offender is to be treated as if sentenced to an extended sentence of imprisonment under section 279.

[F10(5A) If the relevant custodial sentence is a serious terrorism sentence of detention in a young offender institution, the offender is to be treated as if sentenced to a serious terrorism sentence of imprisonment under section 282A.]

- (6) Rules under section 47 of the Prison Act 1952 may provide that any award for an offence against discipline made in respect of an offender serving a relevant custodial sentence is to continue to have effect after a direction under subsection (2) has been given in relation to the offender.

“Relevant custodial sentence”

- (7) In this section “relevant custodial sentence” means any of the following—

- (a) a sentence of detention under section 250 (including one imposed under section 258 [F11 or 258A] (detention for life));

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- [^{F12}(aa) a sentence of detention under section 252A;]
- (b) an extended sentence of detention under section 254;
- (c) a sentence of detention during Her Majesty's pleasure (see section 259);
- (d) a sentence of detention in a young offender institution;
- (e) an extended sentence of detention in a young offender institution (see section 266);
- [^{F13}(ea) a serious terrorism sentence of detention in a young offender institution (see section 268A);]
- (f) a sentence of custody for life (see sections 272 and 275).

Textual Amendments

- F7** Words in s. 329(3) substituted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(25\)\(a\)](#)
- F8** Word in s. 329(3) substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(16\)\(a\)](#)
- F9** S. 329(4A) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(25\)\(b\)](#)
- F10** S. 329(5A) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(16\)\(b\)](#)
- F11** Words in s. 329(7)(a) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 3\(12\)](#), 208(5)(b)
- F12** S. 329(7)(aa) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(25\)\(c\)](#)
- F13** S. 329(7)(ea) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(16\)\(c\)](#)

Modifications etc. (not altering text)

- C2** S. 329 modified by 2006 c. 52, [s. 262A](#) (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 62](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

Commencement Information

- I5** S. 329 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Changes to legislation:

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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. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)
- Sch. 19 para. 22A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 84](#)

- Sch. 26 para. 13A inserted by [2021 c. 11 Sch. 13 para. 43\(7\)\(a\)](#)
- Sch. 26 para. 15(a)(iii) inserted by [2021 c. 11 Sch. 13 para. 43\(7\)\(c\)](#)
- Sch. 26 para. 19(a)(ia) inserted by [2021 c. 11 Sch. 13 para. 43\(7\)\(e\)\(i\)](#)
- Sch. 26 para. 20(c) inserted by [2021 c. 11 Sch. 13 para. 43\(7\)\(f\)](#)
- Sch. 26 para. 20A inserted by [2021 c. 11 Sch. 13 para. 43\(7\)\(g\)](#)
- Sch. 26 para. 24A inserted by [2021 c. 11 Sch. 13 para. 43\(7\)\(i\)](#)
- Sch. 26 para. 20A(za) inserted by [2022 c. 32 s. 129\(3\)\(d\)](#)
- Sch. 27 para. 16(2)(a)(b) substituted for words by [2021 c. 11 Sch. 13 para. 43\(8\)](#)