



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 7

SENTENCING AND RELEASE

CHAPTER 1

CUSTODIAL SENTENCES

Driving disqualification: extension in connection with custodial sentence

140 Extension of driving disqualification where custodial sentence imposed: England and Wales

- (1) In section 35A(4) of the Road Traffic Offenders Act 1988 (extension of driving disqualification period where custodial sentence also imposed)—
- (a) in paragraph (e), after “custodial sentence,” insert “but the sentence is not within section 247A(2A) of the Criminal Justice Act 2003 (sentences for terrorist offenders in respect of which no early release possible),”;
 - (b) in paragraph (f), after “custodial sentence,” insert “but the sentence is not within section 247A(2A) of the Criminal Justice Act 2003,”;
 - (c) after paragraph (f) insert—
 - “(fza) in a case that would fall within paragraph (e) or (f) but for the fact that the custodial sentence falls within section 247A(2A) of the Criminal Justice Act 2003, a period equal to the term imposed under section 266(a) or 279(a) or (as the case may be) section 254(a) of the Sentencing Code;”;
 - (d) in paragraph (fa)—
 - (i) after “under section” insert “252A,”;

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- (ii) for “half” substitute “two-thirds”;
 - (iii) after “pursuant to section” insert “252A(4)(a),”;
 - (e) after paragraph (fa) insert—
 - “(fb) in the case of a sentence under section 268A or 282A of that Code (serious terrorism sentences), a period equal to the term imposed by the court pursuant to section 268C(2) or 282C(2) of that Code;
 - (fc) in the case of a sentence in respect of which section 244ZA of the Criminal Justice Act 2003 applies to the offender, a period equal to two-thirds of the sentence;
 - (fd) in any other case where section 247A of the Criminal Justice Act 2003 applies to the offender in respect of the custodial sentence, a period equal to two-thirds of the sentence;”.
- (2) In section 166 of the Sentencing Code (extension of driving disqualification period where custodial sentence also imposed)—
- (a) in the table in subsection (5)—
 - (i) in entries 3 and 5, in the third column, for “half” substitute “two-thirds of”;
 - (ii) after entry 6A insert—

“6B	a custodial sentence in respect of which section 244ZA of the Criminal Justice Act 2003 applies to the offender	two-thirds of the sentence
6C	a custodial sentence not within any of the preceding entries in respect of which section 247A of the Criminal Justice Act 2003 applies to the offender	two-thirds of the sentence”;
 - (b) after subsection (5) insert—
 - “(5A) In the case of a sentence specified in entry 2, 4 or 6 of column 2 in the table which is within section 247A(2A) of the Criminal Justice Act 2003, the corresponding entry in column 3 of the table is to be read with the omission of “two-thirds of”.”
- (3) The amendments made by subsection (2)(a)(i) do not have effect in relation to an offender who—
- (a) is sentenced before the coming into force of section 107 (increase in requisite custodial period for certain offenders of particular concern), and
 - (b) on being sentenced, will be a prisoner to whom section 244A of the Criminal Justice Act 2003 (release on licence of prisoners serving sentence under 278 of the Sentencing Code etc) applies.
- (4) In the Sentencing Act 2020—
- (a) in section 417 (commencement of prospective amendments), in subsection (3) (a), after “40,” insert “40A,”;
 - (b) in Schedule 22, after paragraph 40 (prospective amendment of section 166(5) of the Sentencing Code) insert—

- “40A In section 166(5A) (adaptation of disqualification period in certain terrorist cases), in paragraph (a), omit “, 4”;
- (c) also in Schedule 22, in paragraph 102 (prospective amendment of section 35A of the Road Traffic Offenders Act 1988)—
- (i) in the words before sub-paragraph (a), omit “as amended by paragraph 102(2) of Schedule 24”;
- (ii) after sub-paragraph (a) insert—
- “(aa) in paragraph (fza) omit “266(a) or”;;”;
- (iii) at the end insert—
- “(c) in paragraph (fb) omit “268A or” and “268C(2) or”.”
- (5) In Schedule 22 to the Coroners and Justice Act 2009, omit paragraph 34 (power to make transitional provision in relation to section 35A of the Road Traffic Offenders Act 1988).

141 Increase in driving disqualification periods under certain existing orders: England and Wales

- (1) Subsection (2) applies where—
- (a) a driving disqualification order was made in accordance with an extended disqualification provision,
- (b) the custodial sentence as a result of which the extended disqualification provision applied was imposed before the day on which section 140 came into force,
- (c) section 244ZA (inserted by section 130) or 247A of the Criminal Justice Act 2003 applies to the offender in respect of the sentence (the offender, in particular, not having been released in respect of the sentence), and
- (d) the appropriate extension period for the purposes of the order would have been longer had the sentence been imposed on the day on which section 140 came into force.
- (2) The order has effect, on and after the day on which section 140 comes into force, as if the period of disqualification included an appropriate extension period of such length as it would have included had the custodial sentence been imposed on that day.
- (3) For the purposes of this section, the “extended disqualification provisions” are—
- (a) section 35A of the Road Traffic Offenders Act 1988,
- (b) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000, and
- (c) section 166 of the Sentencing Code,
- and “appropriate extension period”, “driving disqualification order” and “custodial sentence” are to be read in accordance with the extended disqualification provision concerned.
- (4) In the application of this section before section 130 comes into force, the reference in subsection (1)(c) to section 244ZA of the Criminal Justice Act 2003 is to be read as a reference to section 244 of that Act as modified by the Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020 (S.I. 2020/158).
- (5) In the application of this section in relation to a custodial sentence imposed under a provision repealed by the Sentencing Act 2020, the references to the sentence in

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subsections (1)(d) and (2) are to be read as referring to an equivalent sentence imposed under the corresponding provision of the Sentencing Code.

142 Extension of driving disqualification where custodial sentence imposed: Scotland

- (1) Section 35C of the Road Traffic Offenders Act 1988 (extension of driving disqualification period where custodial sentence also imposed) is amended in accordance with subsections (2) to (5).
- (2) In subsection (4)—
- (a) after paragraph (a) insert—
 - “(aa) in the case of a person serving a serious terrorism sentence, a period equal to the appropriate custodial term;
 - (ab) in the case of a person serving an extended sentence that falls within section 1AB(2A) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”), a period equal to the custodial term;
 - (ac) in the case of a person serving an extended sentence in respect of which section 1AB(3) to (5) of the 1993 Act applies to the person, a period equal to two-thirds of the custodial term;”;
 - (b) omit paragraph (b);
 - (c) in paragraph (c)—
 - (i) for “an” substitute “any other”;
 - (ii) for “confinement” substitute “custodial”;
 - (d) after paragraph (c) insert—
 - “(ca) in the case of a person serving a sentence imposed under section 205ZC of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”), a period equal to two-thirds of the appropriate custodial term;
 - (cb) in the case of a person serving any other sentence of imprisonment in respect of which section 1AB of the 1993 Act applies to the person, a period equal to two-thirds of the sentence;”.
- (3) In subsection (7), for the words from “a different” to the end substitute “a reference in section 1(1) or (3) or 1AB(3)(a) of the 1993 Act to a particular proportion of a prisoner’s sentence to be construed as a reference to some other proportion (“the new proportion”) specified in the order”.
- (4) In subsection (8), for “(4)(b) and (c)” substitute “(4)(ac), (c), (ca), (cb) or (d)”.
- (5) In subsection (10)—
- (a) in the definition of “amending order”, for “section 7 of the 2007 Act” substitute “section 27(2)(b) of the 1993 Act”;
 - (b) after that definition insert—

““appropriate custodial term”—

 - (a) in relation to a serious terrorism sentence, means the term imposed under subsection (5)(a) or (as the case may be) (7)(a) of section 205ZA of the 1995 Act;

- (b) in relation to a sentence imposed under section 205ZC of the 1995 Act, means the term imposed under subsection (3)(a) or (as the case may be) (4)(a) of that section;”;
- (c) in the definition of “confinement term” —
- (i) for “confinement” substitute “custodial”;
 - (ii) for “Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”)” substitute “1995 Act”;
- (d) omit the definitions of “custody and community prisoner” and “custody part”;
- (e) in the definition of “life prisoner”, for “section 4 of the 2007 Act” substitute “section 2(1) of the 1993 Act”;
- (f) for the definition of “punishment part” substitute—
 ““punishment part”, in relation to a life sentence, means the punishment part of the sentence as specified in an order mentioned in section 2(2) of the 1993 Act;”;
- (g) in the definition of “sentence of imprisonment”, in paragraph (b), after “205,” insert “205ZA(7), 205ZC(4),”;
- (h) after the definition of “sentence of imprisonment” insert—
 ““serious terrorism sentence” means a sentence imposed under section 205ZA of the 1995 Act;”.
- (6) Section 248D of the Criminal Procedure (Scotland) Act 1995 (extension of driving disqualification period where custodial sentence also imposed) is amended in accordance with subsections (7) to (10).
- (7) In subsection (4)—
- (a) after paragraph (a) insert—
 - “(aa) in the case of a person serving a serious terrorism sentence, a period equal to the appropriate custodial term;
 - (ab) in the case of a person serving an extended sentence that falls within section 1AB(2A) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”), a period equal to the custodial term;
 - (ac) in the case of a person serving an extended sentence in respect of which section 1AB(3) to (5) of the 1993 Act applies to the person, a period equal to two-thirds of the custodial term;”;
 - (b) omit paragraph (b);
 - (c) in paragraph (c)—
 - (i) for “an” substitute “any other”;
 - (ii) for “confinement” substitute “custodial”;
 - (d) after paragraph (c) insert—
 - “(ca) in the case of a person serving a sentence imposed under section 205ZC of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”), a period equal to two-thirds of the appropriate custodial term;
 - (cb) in the case of a person serving any other sentence of imprisonment in respect of which section 1AB of the 1993 Act applies to the person, a period equal to two-thirds of the sentence;”.

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- (8) In subsection (7), for the words from “a different” to the end substitute “a reference in section 1(1) or (3), 1AA(1) or 1AB(3)(a) of the 1993 Act to a particular proportion of a prisoner’s sentence to be construed as a reference to some other proportion (“the new proportion”) specified in the order”.
- (9) In subsection (8), for “(4)(b) and (c)” substitute “(4)(ac), (c), (ca), (cb) or (d)”.
- (10) In subsection (10)—
- (a) in the definition of “amending order”, for “section 7 of the 2007 Act” substitute “section 27(2)(b) of the 1993 Act”;
 - (b) after that definition insert—
 - ““appropriate custodial term”—
 - (a) in relation to a serious terrorism sentence, means the term imposed under subsection (5)(a) or (as the case may be) (7)(a) of section 205ZA of the 1995 Act;
 - (b) in relation to a sentence imposed under section 205ZC of the 1995 Act, means the term imposed under subsection (3)(a) or (as the case may be) (4)(a) of that section;”;
 - (c) in the definition of “confinement term”—
 - (i) for “confinement” substitute “custodial”;
 - (ii) for “Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”)” substitute “1995 Act”;
 - (d) omit the definitions of “custody and community prisoner” and “custody part”;
 - (e) in the definition of “life prisoner”, for “section 4 of the 2007 Act” substitute “section 2(1) of the 1993 Act”;
 - (f) for the definition of “punishment part” substitute—
 - ““punishment part”, in relation to a life sentence, means the punishment part of the sentence as specified in an order mentioned in section 2(2) of the 1993 Act;”;
 - (g) in the definition of “sentence of imprisonment”, in paragraph (b), after “205,” insert “205ZA(7), 205ZC(4),”;
 - (h) after the definition of “sentence of imprisonment” insert—
 - ““serious terrorism sentence” means a sentence imposed under section 205ZA of the 1995 Act;”.
- (11) In Schedule 22 to the Coroners and Justice Act 2009, omit paragraphs 35 and 36 (powers to make transitional provision in relation to section 35C of the Road Traffic Offenders Act 1988).

143 Increase in driving disqualification periods under certain existing orders: Scotland

- (1) Subsection (2) applies where—
- (a) a driving disqualification order was made in accordance with an extended disqualification provision,
 - (b) the sentence of imprisonment as a result of which the extended disqualification provision applied was imposed before the day on which section 142 came into force,

- (c) section 1AB of the Prisoners and Criminal Proceedings (Scotland) Act 1993 applies to the offender in respect of the sentence (the offender, in particular, not having been released in respect of the sentence), and
 - (d) the appropriate extension period for the purposes of the order would have been longer had the sentence been imposed on the day on which section 142 came into force.
- (2) The order has effect, on and after the day on which section 142 comes into force, as if the period of disqualification included an appropriate extension period of such length as it would have included had the sentence of imprisonment been imposed on that day.
- (3) In this section—
- “driving disqualification order” means an order under—
 - (a) section 34 or 35 of the Road Traffic Offenders Act 1988 (“the 1988 Act”), or
 - (b) section 248 or 248A of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”);
 - “an extended disqualification provision” means—
 - (a) section 35C of the 1988 Act (in the case of an order under section 34 or 35 of that Act), or
 - (b) section 248D of the 1995 Act (in the case of an order under section 248 or 248A of the 1995 Act);
 - “appropriate extension period” and “sentence of imprisonment” are to be read in accordance with the extended disqualification provision concerned.