



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

#### CHAPTER 6

#### [<sup>F1</sup> RELEASE, LICENCES<sup>F1</sup>, SUPERVISION] AND RECALL ]

*Effect of remand in custody [<sup>F1</sup> or on bail subject to certain types of condition]*

#### [<sup>F1</sup>240A [<sup>F2</sup>Time remanded on bail to count towards time served]: terms of imprisonment [<sup>F3</sup>or detention and detention and training orders]

(1) [<sup>F4</sup>Subsection (2) applies] where—

- (a) a court sentences an offender to imprisonment for a term in respect of an offence [<sup>F5</sup>of which the offender was convicted before 1 December 2020]<sup>F6</sup>... ,
- (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, after the coming into force of section 21 of the Criminal Justice and Immigration Act 2008, and
- (c) the offender's bail was subject to a qualifying curfew condition and an electronic monitoring condition (“the relevant conditions”).

(2) Subject to [<sup>F7</sup>subsections (3A) and (3B)], the court must direct that the credit period is to count as time served by the offender as part of the sentence.

<sup>F8</sup>[<sup>F9</sup>(3) .....

[<sup>F10</sup>(3ZA) Subsection (3ZB) applies where—

- (a) an offender is serving a term of imprisonment in respect of an offence, and
- (b) the court has made a declaration under section 325 of the Sentencing Code specifying a credit period in relation to the sentence.

**Changes to legislation:** Criminal Justice Act 2003, Section 240A is up to date with all changes known to be in force on or before 12 May 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

[ Subsection (3ZB) also applies where—

- <sup>F11</sup>(3ZAA) (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
- (b) the court has made a declaration under section 325 of the Sentencing Code specifying a credit period in relation to the order.

(3ZAB) In this section any reference to a “sentence”, in relation to an offender, is to—

- (a) a term of imprisonment being served by the offender as mentioned in subsection (3ZA)(a), or
- (b) a detention and training order made in respect of the offender as mentioned in subsection (3ZAA)(a).]

(3ZB) Subject to subsections (3A) and (3B), the credit period is to count as time served by the offender as part of the sentence.]

(3A) A day of the credit period counts as time served—

- (a) in relation to only one sentence, and
- (b) only once in relation to that sentence.

(3B) A day of the credit period is not to count as time served as part of any [<sup>F12</sup>automatic release period served by the offender] (see section 255B(1)).]

<sup>F13</sup>(8) .....

<sup>F14</sup>(9) .....

<sup>F14</sup>(10) .....

(11) [<sup>F15</sup>Subsections (7) to (9) and (11) of section 240ZA] apply for the purposes of this section as they apply for the purposes of that section but as if—

- (a) in subsection (7)—
  - (i) the reference to a suspended sentence is to be read as including a reference to a sentence to which an order under section 118(1) of [<sup>F16</sup>the PCC(S)A 2000] relates;
  - (ii) in paragraph (a) after “Schedule 12” there were inserted or section 119(1)(a) or (b) of [<sup>F17</sup>the PCC(S)A 2000]; and
- (b) [<sup>F18</sup>in subsection (9) the references to subsections (3) and (5) of section 240ZA are] to be read as a reference to [<sup>F19</sup>subsections (2) and (3ZB)] of this section and, in paragraph (b), after “Chapter” there were inserted or Part 2 of the Criminal Justice Act 1991.

(12) In this section—

[<sup>F20</sup>“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, provided that the requirement is imposed by a court or the Secretary of State and 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;

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“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;<sup>F21</sup>...

<sup>F21</sup> ..... ]

### Textual Amendments

- F1** S. 240A inserted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 21(4)**, 153; S.I. 2008/2712, **art. 2**, **Sch. para. 1** (subject to arts. 3, 4)
- F2** Words in s. 240A heading substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 109(8)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F3** Words in s. 240A heading substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), **Sch. 16 para. 3(2)**
- F4** Words in s. 240A(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 220(2)(a)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F5** Words in s. 240A(1)(a) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 220(2)(b)** (with [Sch. 27](#)) (as amended by S.I. 2020/1236, regs. 1, 4(7)(b)); S.I. 2020/1236, reg. 2
- F6** Words in s. 240A(1)(a) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 16 para. 14**; S.I. 2012/2906, art. 2(n)
- F7** Words in s. 240A(2) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 109(2)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F8** S. 240A(3) 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
- F9** S. 240A(3)-(3B) substituted for s. 240A(3)-(8) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 109(3)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F10** S. 240A(3ZA)(3ZB) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 220(3)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F11** S. 240A(3ZAA)(3ZAB) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(s), **Sch. 16 para. 3(3)**
- F12** Words in s. 240A(3B) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 9(7)**, 22(1) (with [Sch. 7 para. 5](#)); S.I. 2015/40, art. 2(i)
- F13** S. 240A(8) 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
- F14** S. 240A(9)(10) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 109(5)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F15** Words in s. 240A(11) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 109(6)(a)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F16** Words in s. 240A(11)(a)(i) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 220(4)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F17** Words in s. 240A(11)(a)(ii) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 220(4)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F18** Words in s. 240A(11)(b) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 109(6)(b)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F19** Words in s. 240A(11)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 220(5)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F20** Words in s. 240A(12) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 109(7)(a)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)
- F21** Words in s. 240A(12) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 109(7)(b)**, 151(1) (with [Sch. 15](#)); S.I. 2012/2906, art. 2(d)

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**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](#)
- C3** S. 240A modified in part (1.12.2020 immediately before the consolidation date (see [2020 c. 9](#), [ss. 3](#), [5\(2\)\(3\)](#) and [2020 c. 17](#), [ss. 2](#), [416](#))) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1](#), [5\(2\)\(3\)](#); [S.I. 2012/1236](#), [reg. 2](#)
- C4** S. 240A applied (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [ss. 325\(2\)](#), 416(1) (with [ss. 2](#), [398\(1\)](#), [406](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)
- C5** S. 240A(2) excluded (3.11.2008) by The Remand on [Bail \(Disapplication of Credit Period\) Rules 2008 \(S.I. 2008/2793\)](#), [art. 2](#)
- C6** S. 240A(2) excluded (3.11.2008) by The Remand on [Bail \(Disapplication of Credit Period\) Rules 2008 \(S.I. 2008/2793\)](#), [art. 3](#)
- C7** S. 240A(2) excluded (3.11.2008) by The Remand on [Bail \(Disapplication of Credit Period\) Rules 2008 \(S.I. 2008/2793\)](#), [art. 4](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 240A(9)(b) words omitted by [2022 c. 32 Sch. 16 para. 3\(4\)](#)
- 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](#)