

SCHEDULES

SCHEDULE 13

Section 110

CREDITING OF TIME IN CUSTODY

PART 1

ARMED FORCES AMENDMENTS

- 1 The Armed Forces Act 2006 is amended as follows.
- 2 (1) Section 246 (crediting of time in service custody: terms of imprisonment and detention) is amended as follows.
- (2) For subsections (2) to (5) substitute—
- “(2) The number of days for which the offender was kept in service custody in connection with the offence in question or any related offence since being so charged is to count as time served by the offender as part of the sentence.
- But this is subject to subsections (2A) to (2C).
- (2A) If, on any day on which the offender was kept in service custody, the offender was also detained in connection with any other matter, that day is not to count as time served.
- (2B) A day counts as time served—
- (a) in relation to only one sentence, and
- (b) only once in relation to that sentence.
- (2C) A day is not to count as time served as part of any period of 28 days served by the offender before automatic release (see section 255B(1) of the 2003 Act).”
- (3) In subsection (6)—
- (a) omit “and” at the end of paragraph (a), and
- (b) after paragraph (b) insert “, and
- (c) a determinate sentence of detention in a young offender institution,”.
- 3 (1) Section 247 (crediting of time in service custody: supplementary) is amended as follows.
- (2) In subsection (2)—
- (a) after “in connection with other offences” insert “(but see section 246(2B))”, and
- (b) omit “, or has also been detained in connection with other matters”.
- (3) After subsection (2) insert—

Status: This is the original version (as it was originally enacted).

“(2A) The reference in section 246(2A) 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.”

(4) In subsection (4) for “the reference in section 246(2)” substitute “the references in section 246(2) and (2B)”.

4 In section 373(3) (orders, regulations and rules) in paragraph (g) omit “or 246”.

5 In Schedule 16 (minor and consequential amendments), omit paragraph 228.

PART 2

OTHER AMENDMENTS

Criminal Appeal Act 1968 (c. 19)

6 In Schedule 2 to the Criminal Appeal Act 1968 (procedural and other provisions applicable on order for retrial), in paragraph 2(4), for “Sections 240” substitute “Sections 240ZA”.

Immigration Act 1971 (c. 77)

7 In section 7 of the Immigration Act 1971 (exemption from deportation for certain existing residents), in subsection (4), after “section 240” insert “, 240ZA or 240A”.

Road Traffic Offenders Act 1988 (c. 53)

8 In section 35A of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence also imposed), in subsection (6)—

- (a) omit “a direction under”;
- (b) in paragraph (a), for “section 240” substitute “section 240ZA”;
- (c) in paragraph (b), before “section 240A” insert “a direction under”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

9 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

10 In section 82A (determination of tariffs), in subsection (3)(b), for “section 240” substitute “section 240ZA”.

11 In section 101 (term of detention and training order), in subsection (12A), for “the reference in subsection (2) of that section to section 240” substitute “the reference in subsection (2A) of that section to section 240ZA”.

12 In section 147A (extension of disqualification where custodial sentence also imposed), in subsection (6)—

- (a) omit “a direction under”;
- (b) in paragraph (a), for “section 240” substitute “section 240ZA”;
- (c) in paragraph (b), before “section 240A” insert “a direction under”.

International Criminal Court Act 2001 (c. 17)

- 13 In Schedule 7 to the International Criminal Court Act 2001 (domestic provisions not applicable to ICC prisoners), in paragraph 2(1)(d), for “sections 240” substitute “sections 240ZA”.