



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 4

RELEASE ON LICENCE ETC

Calculation of days to be served

110 Amendments consequential on sections 108 and 109

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 237(1C) (meaning of “fixed-term prisoner”)—
 - (a) for “section 240” substitute “section 240ZA”;
 - (b) after “Armed Forces Act 2006” insert “or section 240A”.
- (3) Section 241 (effect of direction under section 240 or 240A) is amended as follows.
- (4) In subsection (1)—
 - (a) for “to whom a direction under section 240 or 240A relates” substitute “to whom section 240ZA applies or a direction under section 240A relates”;
 - (b) for “specified in the direction” substitute “specified in section 240ZA or in the direction under section 240A”.
- (5) In subsection (1A), for “a direction under section 240 or 240A includes a direction under” substitute “section 240ZA includes”.

Status: This is the original version (as it was originally enacted).

- (6) In the heading, for “direction under section 240 or 240A” substitute “section 240ZA or direction under section 240A”.
- (7) In section 242 (interpretation of sections 240 to 241), in subsections (1) and (2) and in the heading, for “sections 240” substitute “sections 240ZA”.
- (8) For section 243(2) (persons extradited to the United Kingdom) substitute—
- “(2) In the case of an extradited prisoner, the court must specify in open court the number of days for which the prisoner was kept in custody while awaiting extradition.
- (2A) Section 240ZA applies to days specified under subsection (2) as if they were days for which the prisoner was remanded in custody in connection with the offence or a related offence.”
- (9) In section 246 (power to release prisoners early)—
- (a) in subsection (4)(i), for “to whom a direction under section 240 or 240A relates” substitute “to whom section 240ZA applies or a direction under section 240A relates”;
- (b) in subsection (4A)(b), for “a direction under section 240 includes a direction under” substitute “section 240ZA includes”.
- (10) In section 269 (determination of minimum term in relation to mandatory life sentence)—
- (a) in subsection (3)(b), for the words from “any direction which it would have given” to “certain types of condition)” substitute “section 240ZA (crediting periods of remand in custody) or of any direction which it would have given under section 240A (crediting periods of remand on certain types of bail)”;
- (b) after that subsection insert—
- “(3A) The reference in subsection (3)(b) to section 240ZA includes section 246 of the Armed Forces Act 2006 (crediting periods in service custody).”
- (11) In section 305(1A) (modification of reference to want of sufficient distress), inserted by paragraph 155 of Schedule 13 to the Tribunals, Courts and Enforcement Act 2007, for “In the definition of “sentence of imprisonment” in subsection (1) the reference” substitute “In this Part any reference”.
- (12) In section 330(5) (rules to be subject to affirmative resolution)—
- (a) after paragraph (b) insert “or”, and
- (b) omit paragraph (d) and the “or” preceding it.
- (13) Schedule 13 (crediting of time in custody) has effect.
- (14) In consequence of the amendments made by this section, in the Criminal Justice and Immigration Act 2008 omit—
- (a) section 21(2), (5) and (7);
- (b) section 22(2) and (3);
- (c) section 23 and Schedule 6.