

Sentencing Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Ministry of Justice, are published separately as Bill 11—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Alex Chalk has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Sentencing Bill are compatible with the Convention rights.

Sentencing Bill

[AS INTRODUCED]

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[AS INTRODUCED]

A

B I L L

TO

Make provision about the sentencing of offenders convicted of murder or sexual offences; to make provision about the suspension of custodial sentences; to make provision about the release of offenders, including provision about release on licence; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Whole life orders

1 Mandatory life sentences: whole life orders

(1) The Sentencing Code is amended as follows.

(2) In section 321 (life sentence: minimum term order or whole life order)—

(a) in subsection (2), after “subsection” insert “(2A) or”;

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(b) after subsection (2) insert—

“(2A) The order must be a whole life order if the case is within subsection (2B) and the offender was aged 21 or over when the offence was committed, unless the court is of the opinion that there are exceptional circumstances which—

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(a) relate to the offence (or the combination of the offence and one or more offences associated with it) or the offender, and

(b) justify not making a whole life order.

(2B) A case is within this subsection if the sentence for the offence is imposed on or after the day on which section 1 of the Sentencing Act 2024 came into force, and the offence (or the combination of the offence and one or more offences associated with it) involved—

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(a) the murder of two or more persons, where each murder involved either of the following—

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(i) a substantial degree of premeditation or planning, or

(ii) the abduction of the victim,

- (b) a murder involving sexual or sadistic conduct,
- (c) the murder of a child if involving the abduction of the child or sexual or sadistic motivation,
- (d) the murder of a child involving a substantial degree of premeditation or planning, where the offence was committed on or after 28 June 2022, 5
- (e) the murder of a police officer or prison officer in the course of his or her duty, where the offence was committed on or after 13 April 2015,
- (f) a murder done for the purpose of advancing a political, religious, racial or ideological cause, or 10
- (g) a murder by an offender previously convicted of murder.”;
- (c) in subsection (3C), for “within subsection (3A)” substitute “where the offender was aged 21 or over when the offence was committed”; 15
- (d) after subsection (5) insert—
- “(6) In this section, “child” has the same meaning as in paragraph 1 of Schedule 21.”
- (3) In section 322 (mandatory life sentences: further provision) —
- (a) in subsection (4), after “whole life order” insert “other than a whole life order made under section 321(2A)”;
- (b) after subsection (4) insert—
- “(4A) Where the court does not make a whole life order in a case where section 321(2A) applies, in complying with the duty under section 52(2) to state its reasons for deciding on the order made, the court must in particular state its reasons for not making a whole life order.” 25
- (4) In Schedule 21 (determination of minimum term in relation to mandatory life sentence for murder etc) —
- (a) in paragraph 2 — 30
- (i) in sub-paragraph (1)(a), at the beginning insert “the case does not fall within section 321(2B) (cases where court must make a whole life order) but”;
- (ii) omit sub-paragraph (2);
- (b) in paragraph 3 — 35
- (i) in sub-paragraph (1)(a), after “fall within” insert “section 321(2B) or”;
- (ii) in the words before sub-paragraph (2)(a), after “falling within” insert “section 321(2B) or”;
- (iii) omit sub-paragraph (2)(e); 40
- (iv) in sub-paragraph (2)(i), for “paragraph 2(2)” substitute “section 321(2B)”;
- (c) in paragraph 4, in sub-paragraph (1)(a), after “fall within” insert “section 321(2B) or”;
- (d) in paragraph 5, after “fall within” insert “section 321(2B) or”; 45

(e) in paragraph 9, for “paragraphs 2(2),” substitute “section 321(2B) and paragraphs”.

(5) Schedule 1 makes consequential amendments.

Special custodial sentence for certain sex offenders

2 Sexual offences attracting special custodial sentence for offenders of particular concern 5

In paragraph 10 of Schedule 13 to the Sentencing Code (special sentences for offenders of particular concern: offences under the Sexual Offences Act 2003) –

- (a) in the words before paragraph (a), for “either” substitute “any”;
- (b) before paragraph (a) insert – 10
- “(za) section 1 (rape);
- (zb) section 2 (assault by penetration);
- (zc) section 4, in the circumstances specified in subsection (4) of that section (causing a person to engage in sexual activity involving penetration without consent);” 15
- (c) after paragraph (b) insert –
- “(c) section 8, in the circumstances specified in subsection (2) of that section (causing or inciting a child under 13 to engage in sexual activity involving penetration);
- (d) section 30, in the circumstances specified in subsection (3) of that section (sexual activity involving penetration with a person with a mental disorder impeding choice); 20
- (e) section 31, in the circumstances specified in subsection (3) of that section (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity involving penetration); 25
- (f) section 34, in the circumstances specified in subsection (2) of that section (inducement etc. to procure sexual activity involving penetration with a person with a mental disorder); 30
- (g) section 35, in the circumstances specified in subsection (2) of that section (causing a person with a mental disorder to engage in sexual activity by inducement etc);
- (h) section 47, in the circumstances specified in subsection (6) of that section (paying for sexual services of a child involving penetration) and where the offence is committed against a person under 13; 35
- (i) section 62, in the circumstances specified in subsection (3) of that section (committing an offence involving kidnapping or false imprisonment with intent to commit a sexual offence).” 40

3 Special custodial sentence for sex offenders of particular concern aged under 18 at time of offence

- (1) The Sentencing Code is amended as follows.
- (2) In section 221 (overview of Part 10 of the Sentencing Code), in subsection (2)(ba), for “terrorist offenders” substitute “certain offenders”. 5
- (3) In the italic heading before section 252A, for “terrorist offenders” substitute “certain offenders of particular concern”.
- (4) In section 252A (required special sentence of detention for terrorist offenders)—
 - (a) in the heading, for “terrorist offenders” substitute “certain offenders”;
 - (b) in subsection (1)(a)— 10
 - (i) omit “Part 1 of”, and
 - (ii) omit the words after “Schedule 13”;
 - (c) in subsection (1)(b), for the words after “the offence” substitute “—
 - (i) is listed in Part 1 of that Schedule (offences involving or connected with terrorism) and was committed on or after the day on which section 22 of the Counter-Terrorism and Sentencing Act 2021 came into force, or 15
 - (ii) is listed in Part 2 of that Schedule (sexual offences) and was committed on or after the day on which section 3 of the Sentencing Act 2024 came into force,”. 20

4 Special custodial sentence for adult sex offenders of particular concern

- (1) The Sentencing Code is amended as follows.
- (2) In section 265 (required special sentence for certain adult offenders aged under 21)— 25
 - (a) in subsection (1), after paragraph (a) insert—
 - “(aa) in a case where the offence—
 - (i) is listed in paragraph 10(za) to (zc) or (c) to (i) of Schedule 13 (sexual offences), 30
 - (ii) is an inchoate offence in relation to an offence specified in those provisions, or
 - (iii) is an abolished offence in relation to an offence specified in those provisions,
 the offender was convicted on or after the day on which section 4 of the Sentencing Act 2024 came into force,”; 35
 - (b) in subsection (1A)(b)(ii), at the end insert “and was committed before the day on which section 4 of the Sentencing Act 2024 came into force”.
- (3) In section 278 (required special sentence for certain offenders aged 21 or over)— 40

- (a) in subsection (1), after paragraph (a) insert—
- (aa) in a case where the offence—
- (i) is listed in paragraph 10(za) to (zc) or (c) to (i) of Schedule 13 (sexual offences),
- (ii) is an inchoate offence in relation to an offence specified in those provisions, or
- (iii) is an abolished offence in relation to an offence specified in those provisions,
- the offender was convicted on or after the day on which section 4 of the Sentencing Act 2024 came into force;”;
- (b) in subsection (1A)(b)(ii), at the end insert “and was committed before the day on which section 4 of the Sentencing Act 2024 came into force”.

5 Special custodial sentence for sex offenders of particular concern: service law

- (1) The Armed Forces Act 2006 is amended as follows. 15
- (2) In section 224A (special custodial sentence for certain adult offenders of particular concern)—
- (a) after subsection (1)(b) insert—
- “(ba) in a case where the corresponding offence under the law of England and Wales—
- (i) is listed in paragraph 10(za) to (zc) or (c) to (i) of Schedule 13 to the Sentencing Code (sexual offences),
- (ii) is an inchoate offence in relation to an offence specified in those provisions, or
- (iii) is an abolished offence in relation to an offence specified in those provisions,
- the offender was convicted on or after the day on which section 5 of the Sentencing Act 2024 came into force;”;
- (b) at the beginning of subsection (1A)(b)(ii) insert “was committed before the day on which section 5 of the Sentencing Act 2024 came into force and”.
- (3) In section 224B (special sentence of detention for terrorist offenders of particular concern aged under 18)—
- (a) in the heading, for “terrorist offenders” substitute “certain offenders”; 35
- (b) in subsection (1)(a), for the words after “an offence” substitute “within subsection (1A)”;
- (c) omit subsection (1)(b);
- (d) after subsection (1) insert—
- “(1A) An offence is within this subsection if the offence— 40
- (a) was committed on or after the day on which paragraph 9 of Schedule 8 to the Counter-Terrorism and Sentencing Act 2021 came into force and the offence—

- (i) is an offence under section 42 (criminal conduct) as respects which the corresponding offence under the law of England and Wales is listed in Part 1 of Schedule 13 to the Sentencing Code (except in paragraph 9 of that Schedule) (terrorism offences), or 5
- (ii) is an offence, other than one for which the sentence is fixed by law as life imprisonment, that is determined to have a terrorist connection under section 69 of the Sentencing Code (as applied by section 238(6)), or 10
- (b) was committed on or after the day on which section 5 of the Sentencing Act 2024 came into force and is an offence under section 42 (criminal conduct) as respects which the corresponding offence under the law of England and Wales is listed in Part 2 of Schedule 13 to the Sentencing Code (sexual offences).” 15

Suspension of custodial sentences

6 Duty to impose suspended sentence order for sentences of 12 months or less

- (1) The Sentencing Code is amended as follows. 20
- (2) After section 264 insert—

“264A Duty to impose suspended sentence order: adults aged under 21

- (1) This section applies where the court imposes a sentence of detention in a young offender institution for an offence where—
 - (a) the offender is aged at least 18 but under 21 when convicted of the offence, 25
 - (b) the offender is convicted of the offence on or after the day on which section 6 of the Sentencing Act 2024 came into force,
 - (c) the term of the sentence is not more than 12 months, and
 - (d) a suspended sentence order is available in relation to that sentence (see section 264). 30
- (2) The court must make a suspended sentence order in relation to the sentence where this section applies unless the court is of the opinion that there are exceptional circumstances which—
 - (a) relate to the offence (or the combination of the offence and one or more offences associated with it) or the offender, and 35
 - (b) justify not making the order.
- (3) But this section does not apply if—
 - (a) when the sentence is imposed the offender is in custody—
 - (i) pursuant to a custodial sentence, 40
 - (ii) having been remanded in custody in connection with another offence which is not an associated offence, or

- (iii) having been committed to custody by an order of a court,
 - (b) the sentence of detention in a young offender institution is one of two or more sentences imposed on the same occasion where—
 - (i) the term of any of those sentences is more than 12 months, or
 - (ii) those sentences are to be served consecutively (“consecutive sentences”) and the terms of those sentences are in aggregate more than 12 months,
 - (c) the offender is deemed to have served the whole custodial period of the sentence for the offence (or in the case of consecutive sentences, the aggregate of the custodial periods for each offence) by virtue of—
 - (i) section 240ZA of the Criminal Justice Act 2003 (time remanded in custody to count as time served), or
 - (ii) section 240A of that Act (time remanded on bail to count as time served),
 - (d) the offence, or an associated offence, is an offence—
 - (i) in respect of which the offender is, or has been, subject to a supervision order, and
 - (ii) for which the court is re-sentencing the offender,
 - (e) the offence, or an associated offence, was committed—
 - (i) while the offender was on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall), or
 - (ii) while the offender was subject to a supervision order,
 - (f) the commission of the offence, or an associated offence, constituted a breach by the offender of—
 - (i) an order of a court, or
 - (ii) an order or award (whether or not of a court) made (anywhere) in proceedings in respect of a service offence within the meaning of the Armed Forces Act 2006,
 - (g) the offence, or an associated offence, is an offence under section 6(1) or (2) of the Bail Act 1976 (failure to surrender to custody), or
 - (h) the court is of the opinion that making the order would put a particular individual at significant risk of harm.
- (4) For the purpose of subsection (3)(a)(ii), a person is remanded in custody if—
 - (a) remanded in or committed to custody by order of a court,
 - (b) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail), or

- (c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.
- (5) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinions mentioned in subsections (2) and (3)(h). 5
- (6) Nothing in this section affects the court’s power to impose a suspended sentence order in a case where this section does not apply.
- (7) In this section—
- “custodial period” means the period of a custodial sentence which the offender is required to serve in custody; 10
- “harm” means physical or psychological harm;
- “order of a court” includes an order of a tribunal;
- “supervision order” means any of the following—
- (a) a community order;
- (b) a detention and training order; 15
- (c) a referral order;
- (d) a suspended sentence order;
- (e) a youth rehabilitation order.”
- (3) After section 277 insert—
- “277A Duty to impose suspended sentence order: persons 21 or over” 20**
- (1) This section applies where the court imposes a sentence of imprisonment for an offence where—
- (a) the offender is aged 21 or over when convicted of the offence,
- (b) the offender is convicted of the offence on or after the day on which section 6 of the Sentencing Act 2024 came into force, 25
- (c) the term of the sentence is not more than 12 months, and
- (d) a suspended sentence order is available in relation to that sentence (see section 277).
- (2) The court must make a suspended sentence order in relation to the sentence where this section applies unless the court is of the opinion that there are exceptional circumstances which— 30
- (a) relate to the offence (or the combination of the offence and one or more offences associated with it) or the offender, and
- (b) justify not making the order.
- (3) But this section does not apply if— 35
- (a) when the sentence is imposed the offender is in custody—
- (i) pursuant to a custodial sentence,
- (ii) having been remanded in custody in connection with another offence which is not an associated offence, or
- (iii) having been committed to custody by an order of a court, 40

- (b) the sentence of imprisonment is one of two or more sentences imposed on the same occasion where—
 - (i) the term of any of those sentences is more than 12 months, or
 - (ii) those sentences are to be served consecutively (“consecutive sentences”) and the terms of those sentences are in aggregate more than 12 months, 5
 - (c) the offender is deemed to have served the whole custodial period of the sentence for the offence (or in the case of consecutive sentences, the aggregate of the custodial periods for each offence) by virtue of— 10
 - (i) section 240ZA of the Criminal Justice Act 2003 (time remanded in custody to count as time served), or
 - (ii) section 240A of that Act (time remanded on bail to count as time served), 15
 - (d) the offence, or an associated offence, is an offence—
 - (i) in respect of which the offender is, or has been, subject to a supervision order, and
 - (ii) for which the court is re-sentencing the offender, 20
 - (e) the offence, or an associated offence, was committed—
 - (i) while the offender was on licence, or subject to supervision, under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall), or
 - (ii) while the offender was subject to a supervision order, 25
 - (f) the commission of the offence, or an associated offence, constituted a breach by the offender of—
 - (i) an order of a court, or
 - (ii) an order or award (whether or not of a court) made (anywhere) in proceedings in respect of a service offence within the meaning of the Armed Forces Act 2006, 30
 - (g) the offence, or an associated offence, is an offence under section 6(1) or (2) of the Bail Act 1976 (failure to surrender to custody), or
 - (h) the court is of the opinion that making the order would put a particular individual at significant risk of harm. 35
- (4) For the purpose of subsection (3)(a)(ii), a person is remanded in custody if—
- (a) remanded in or committed to custody by order of a court,
 - (b) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail), or 40
 - (c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.

- (5) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinions mentioned in subsection (2) and (3)(h).
- (6) Nothing in this section affects the court’s power to impose a suspended sentence order in a case where this section does not apply. 5
- (7) In this section—
- “custodial period” means the period of a custodial sentence which the offender is required to serve in custody;
 - “harm” means physical or psychological harm;
 - “order of a court” includes an order of a tribunal; 10
 - “supervision order” means any of the following—
 - (a) a community order;
 - (b) a detention and training order;
 - (c) a referral order;
 - (d) a suspended sentence order; 15
 - (e) a youth rehabilitation order.”
- (4) Schedule 2 makes consequential amendments.

Release of offenders

7 Removal of early release for certain sex offenders

- (1) The Criminal Justice Act 2003 is amended as follows. 20
- (2) In section 244 (duty to release prisoners not subject to special provision for release), in subsection (1), for “or 247A” substitute “, 247A or 247B”.
- (3) In section 244ZA (release on licence of certain violent or sexual offenders), in subsection (2)(b), for “or 247A” substitute “, 247A or 247B”.
- (4) In section 244A (release on licence of prisoners serving sentence under section 278 of the Sentencing Code etc), in subsection (1), after “section 247A” insert “or 247B”. 25
- (5) In section 246 (power to release prisoners early), in subsection (4)(ab), after “section 247A” insert “or 247B”.
- (6) In section 246A (release on licence of prisoners serving extended sentence under section 254, 266 or 279 of the Sentencing Code etc), in subsection (1), after “section 247A” insert “or 247B”. 30
- (7) After section 247A insert—
- “247B Restricted eligibility for release on licence of certain sex offenders**
- (1) This section applies to a prisoner (“P”) who is serving a sentence imposed under section 252A, 254, 265, 266, 278 or 279 of the Sentencing Code in respect of an offence within subsection (2) where that sentence was imposed on or after the day on which section 7 of the Sentencing Act 2024 came into force. 35

- (2) An offence is within this subsection (whenever it was committed) if—
- (a) it is specified in Part 2 of Schedule 13 to the Sentencing Code (sentences for offenders of particular concern: sexual offences), or
 - (b) it is a service offence as respects which the corresponding civil offence is so specified. 5
- (3) It is the duty of the Secretary of State to release P on licence under this section as soon as P has served the appropriate custodial term unless P has previously been released on licence under this section and recalled under section 254 (provision for the release of such persons being made by sections 255A to 255C). 10
- (4) For the purposes of this section “appropriate custodial term” means the term determined as such by the court under section 252A, 254, 265, 266, 278 or 279 of the Sentencing Code.
- (5) For the purposes of this section, “service offence”, and “corresponding civil offence” have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).” 15
- (8) Schedule 3 makes consequential amendments.

8 Extension of home detention curfew

- (1) Section 246 of the Criminal Justice Act 2003 (release of prisoners on licence before required to do so) is amended as follows. 20
- (2) In subsection (1), after “fixed-term prisoner” insert “, other than one to whom section 244ZA, 244A, 246A, 247, 247A or 247B or paragraph 4 or 24 of Schedule 20B applies,”.
- (3) In subsection (4)— 25
- (a) omit paragraphs (a) to (ab);
 - (b) after paragraph (ab) insert—
 - “(ac) the prisoner is one to whom section 244ZA would apply if—
 - (i) section 244ZA(4)(c), (5)(c) and (6)(c) were omitted, 30
 - (ii) the reference in section 244ZA(5)(a) to section 262 of the Sentencing Code were read as including a reference to section 96 of the PCC(S)A 2000, and 35
 - (iii) the reference in section 244ZA(6)(a) to section 250 of the Sentencing Code were read as including a reference to section 91 of the PCC(S)A 2000;”
 - (c) in paragraph (g) for “at any time” substitute “during the currency of the sentence”; 40

- (d) for paragraph (ga) substitute –
- “(ga) the following apply –
- (i) the prisoner has been released on licence under this section in relation to a previous sentence and has been recalled to prison under section 255(1)(a) (and the revocation of the licence has not been cancelled under section 255(3)), and 5
- (ii) the requisite custodial period in relation to the previous sentence ended less than 2 years before the day on which the current sentence began, 10
- (gb) the following apply –
- (i) the prisoner has been released on licence under section 34A of the Criminal Justice Act 1991 in relation to a previous sentence and has been recalled to prison under section 38A(1)(a) of that Act (and the revocation of the licence has not been cancelled under section 38A(3) of that Act), and 15
- (ii) the requisite custodial period in relation to the previous sentence ended less than 2 years before the day on which the current sentence began;” 20
- (e) omit paragraph (ha) (but not the “or” at the end of it).
- (4) Omit subsection (4ZA).

General

- 9 Consequential provision** 25
- (1) The Secretary of State may by regulations made by statutory instrument make provision that is consequential on this Act.
- (2) Regulations under subsection (1) may, in particular, amend, repeal or revoke any enactment passed or made before, or in the same Session as, this Act.
- (3) In subsection (2) “enactment” includes – 30
- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru; 35
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.
- (4) Regulations under subsection (1) – 40
- (a) may make different provision for different purposes;
- (b) may make transitional, transitory or saving provision.

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- (5) A statutory instrument containing (whether alone or with any other provision) regulations under subsection (1) which amend, repeal or revoke primary legislation may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Any other statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament. 5
- (7) In this section “primary legislation” means –
- (a) an Act of Parliament,
 - (b) an Act or Measure of Senedd Cymru, 10
 - (c) an Act of the Scottish Parliament, or
 - (d) Northern Ireland legislation.
- 10 Power to state effect in Sentencing Act 2020 of commencement of amendments made by this Act**
- The power in section 419(1) of the Sentencing Act 2020 (power to state effect of commencement provisions) applies in relation to any amendment or repeal made by or under this Act of that Act as it applies in relation to an amendment or repeal made by Schedule 22 to that Act. 15
- 11 Extent, commencement and short title**
- (1) Except as provided by subsections (2) and (3), this Act extends to England and Wales only. 20
- (2) Sections 9 and 10 and this section extend to England and Wales, Scotland and Northern Ireland.
- (3) An amendment made by Schedule 1, 2 or 3 has the same extent within the United Kingdom as the provision amended. 25
- (4) Nothing in subsection (1) or (3) limits the extent within the United Kingdom of any provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006.
- (5) Sections 9 and 10 and this section come into force on the day on which this Act is passed. 30
- (6) Except as provided by subsection (5), this Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (7) Different days may be appointed for different purposes or areas.
- (8) The Secretary of State may by regulations made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act. 35
- (9) The power to make regulations under subsection (8) includes power to make different provision for different purposes or areas.

- (10) This Act may be cited as the Sentencing Act 2024.

SCHEDULES

SCHEDULE 1

Section 1

WHOLE LIFE ORDERS: CONSEQUENTIAL AMENDMENTS

Sentencing Code (c. 17)

- 1 In section 166 of the Sentencing Code (extension of driving disqualification where custodial sentence also imposed), in subsection (2)(b), for “section 321(3)” substitute “section 321(2A) or (3)”. 5

Road Traffic Offenders Act 1988 (c. 53)

- 2 In section 35A of the Road Traffic Offenders Act 1988 (extension of driving disqualification where custodial sentence also imposed), in subsection (7)(b), for “section 321(3)” substitute “section 321(2A) or (3)”. 10

Armed Forces Act 2006 (c. 52)

- 3 (1) The Armed Forces Act 2006 is amended as follows.
- (2) In section 177J(2)(c) (extension of driving disqualification where custodial sentence or service detention also imposed: exceptions), for “section 321(3)” substitute “section 321(2A) or (3)”. 15
- (3) In section 261A (life sentences)—
- (a) after subsection (1) insert—
- “(1A) In section 321 of that Code as it applies in relation to a life sentence passed by the Court Martial, subsection (2B) has effect as if a reference to murder included reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is murder.”, and 20
- (b) in subsection (2), after paragraph (b) insert— 25
- “(c) subsection (4A) has effect as if for “section 52(2)” there were substituted “section 252(1)(a) of the Armed Forces Act 2006”.”

SCHEDULE 2

Section 6

DUTY TO IMPOSE SUSPENDED SENTENCE ORDER: CONSEQUENTIAL AMENDMENTS

Firearms Act 1968 (c. 27)

- 1 In section 21(2C)(b) of the Firearms Act 1968 (ban on possession of firearm by person subject to suspended sentence), after “section 264 or 277 of the Sentencing Code” insert “(including by virtue of section 264A or 277A of that Code)”. 5

Proceeds of Crime Act 2002 (c. 29)

- 2 In section 38(4)(a) of the Proceeds of Crime Act 2002 (provisions about imprisonment or detention: disregard of suspended sentence orders), after “section 264 or 277 of the Sentencing Code” insert “(including by virtue of section 264A or 277A of that Code)”. 10

Armed Forces Act 2006 (c. 52)

- 3 (1) The Armed Forces Act 2006 is amended as follows.
- (2) In section 200 (suspended sentence orders) – 15
- (a) in subsection (1) –
- (i) after paragraph (a) insert –
- “(aa) section 264A (duty to impose suspended sentence order: adults aged under 21);”; 20
- (ii) after paragraph (b) insert – 20
- “(ba) section 277A (duty to impose suspended sentence order: persons 21 or over);”; 20
- (b) in subsection (2)(a), for “200A” substitute “200ZA”.
- (3) After section 200 insert –

“200ZA Modifications of sections 264A and 277A of the Sentencing Code” 25

- (1) Section 264A of the Sentencing Code (duty to impose suspended sentence order: adults aged under 21) has effect in relation to a suspended sentence order made by a relevant service court as if –
- (a) in subsection(3)(a)(i), the reference to a custodial sentence within the meaning of the Sentencing Act 2020 were to a custodial sentence within the meaning of this Act, 30
- (b) in subsection (5), the reference to section 30 of the Sentencing Code were to section 256 of this Act, and
- (c) in subsection (7), in the definition of “supervision order” –
- (i) the reference to a community order were to a service community order or an overseas community order, 35

- (ii) the reference to a detention and training order were to a detention and training order under section 211 of this Act, and
 - (iii) the references to a referral order and to a youth rehabilitation order were omitted. 5
- (2) Section 277A of the Sentencing Code (duty to impose suspended sentence order: persons 21 or over) has effect in relation to a suspended sentence order made by a relevant service court as if—
- (a) in subsection (3)(a)(i), the reference to a custodial sentence within the meaning of the Sentencing Act 2020 were to a custodial sentence within the meaning of this Act, 10
 - (b) in subsection (5), the reference to section 30 of the Sentencing Code were to section 256 of this Act, and
 - (c) in subsection (7), in the definition of “supervision order”—
 - (i) the reference to a community order were to a service community order or an overseas community order, 15
 - (ii) the reference to a detention and training order were to a detention and training order under section 211 of this Act, and
 - (iii) the references to a referral order and to a youth rehabilitation order were omitted.” 20

Sentencing Code (c. 17)

- 4 In Schedule 22 to the Sentencing Code (amendments of the Sentencing Code etc), after paragraph 54 insert—
- “54A In section 277A (duty to impose suspended sentence order: persons 21 or over)— 25
- (a) in subsection (1)(a), for “21” substitute “18”;
 - (b) in the heading, for “21” substitute “18”.”

SCHEDULE 3

Section 7

REMOVAL OF EARLY RELEASE PROVISIONS FOR CERTAIN SEX OFFENDERS: CONSEQUENTIAL AMENDMENTS 30

Criminal Justice Act 2003 (c. 44)

- 1 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 256AA (supervision requirements: prisoners serving less than two years), in subsection (1)(bb), after “section 247A” insert “or 247B”. 35
- (3) In section 264 (release on licence of prisoners serving consecutive sentences)—
- (a) in subsection (2F)(a)—

- (i) omit “or” at the end of sub-paragraph (i), and
- (ii) at the end of sub-paragraph (ii) insert “, or
 - (iii) section 247B applies to the offender;”;
- (b) in subsection (6), in the words before paragraph (a), after “subsection (6A)” insert “or (6AA)”;
- (c) after subsection (6A) insert –
 - “(6AA) In this section “minimum custodial period”, in the case of a sentence imposed on a person to whom section 247B applies, means the whole of the “appropriate custodial term” within the meaning of that section (see subsection (4) of that section).”

Armed Forces Act 2006 (c. 52)

- 2 In section 177J of the Armed Forces Act 2006 (extension of driving disqualification where custodial sentence or service detention also imposed) –
- (a) in the table in subsection (5), in entry 2, in the second column, for “terrorist offenders” substitute “certain offenders”;
 - (b) after subsection (6) insert –
 - “(6A) In the case of a sentence specified in entry 2, 3, 4, 5, 7 or 8 of column 2, in respect of which section 247B of the Criminal Justice Act 2003 applies to the offender, the corresponding entry in column 3 of the table is to be read with the omission of “two-thirds of”.”

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 3 In section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (power to change test for discretionary release), in subsection (6) –
- (a) in the definition of “extended sentence prisoner”, after “section 247A” insert “or 247B”;
 - (b) in the definition of “section 236A prisoner”, after “section 247A” insert “or 247B”.

Sentencing Code (c. 17)

- 4 In section 166 of the Sentencing Code (extension of driving disqualification period where custodial sentence also imposed) –
- (a) in the table in subsection (5), in entry 1A, in the second column, for “terrorist offenders” substitute “certain offenders”;
 - (b) after subsection (5A) insert –
 - “(5B) In the case of a sentence specified in entry 1A, 2, 3, 4, 5 or 6 of column 2, in respect of which section 247B of the Criminal Justice Act 2003 applies to the offender, the

corresponding entry in column 3 of the table is to be read with the omission of “two-thirds of”.

Sentencing Bill

[AS INTRODUCED]

A

B I L L

TO

Make provision about the sentencing of offenders convicted of murder or sexual offences; to make provision about the suspension of custodial sentences; to make provision about the release of offenders, including provision about release on licence; and for connected purposes.

*Presented by Secretary Alex Chalk
supported by the Prime Minister,
Secretary Grant Shapps,
Secretary Michelle Donelan,
Secretary Steve Barclay, Secretary Mel Stride,
Secretary Lucy Frazer and the Attorney General.*

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