Draft Rules laid before Parliament under section 330(5)(d) of the Criminal Justice Act 2003 and section 147(5)(k) of the Criminal Justice and Immigration Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

CRIMINAL LAW, ENGLAND AND WALES

The Remand on Bail (Disapplication of Credit Period) Rules 2008

Made - - - -	***
Coming into force - -	*3rd November 2008*

These Rules are made in exercise of the powers conferred by section 240A(4)(a) and (6) of the Criminal Justice Act 2003(**1**) and paragraph 2(4)(a) and (6) of Schedule 6 to the Criminal Justice and Immigration Act 2008(**2**).

In accordance with section 330(5)(d) of the Criminal Justice Act 2003 and section 147(5)(k) of the Criminal Justice and Immigration Act 2008, a draft of this instrument has been laid before Parliament and approved by each House of Parliament.

Accordingly, the Secretary of State makes the following Rules:

Citation and commencement

1.—(1) These Rules may be cited as the Remand on Bail (Disapplication of Credit Period) Rules 2008 and shall come into force on 3rd November 2008.

(2) In these Rules—

"the 1991 Act" means the Criminal Justice Act 1991(**3**);

"the 2003 Act" means the Criminal Justice Act 2003;

"the 2008 Act" means the Criminal Justice and Immigration Act 2008;

"credit period" has the meaning given by section 240A(3) of the 2003 Act or, where applicable, paragraph 2(3) of Schedule 6 to the 2008 Act; and

"relevant conditions" has the meaning given by section 240A(1)(c) of the 2003 Act or, where applicable, paragraph 2(1)(c) of Schedule 6 to the 2008 Act.

(**1**) 2003 c.44. Section 240A is inserted by section 21 of the Criminal Justice and Immigration Act 2008 (c.4).
(**2**) 2008 c.4.
(**3**) 1991 c.53.

Consecutive and concurrent sentences

2.—(1) This Rule applies where—

(a) section 240A of the 2003 Act (Crediting Periods of remand on bail: terms of imprisonment and detention) or paragraph 2 of Schedule 6 to the 2008 Act (Credit for period of remand on bail: transitional provisions) applies; and

(b) the term of imprisonment referred to in section 240A(1)(a) of the 2003 Act or paragraph 2(1)(a) of Schedule 6 to the 2008 Act is ordered to be served consecutively on, or wholly or partly concurrently with, another term of imprisonment ("the other term").

(2) Where paragraph (1) applies, section 240A(2) and paragraph 2(2) of Schedule 6 to the 2008 Act do not apply in relation to any day—

(a) on which the offender's bail was subject to the relevant conditions; and

(b) which has been counted for the purposes of section 240A(3)(a) or (b) of the 2003 Act or paragraph 2(3)(a) or (b) of Schedule 6 to the 2008 Act in relation to the other term.

Other electronically monitored curfews

3.—(1) This Rule applies where—

(a) section 240A of the 2003 Act or paragraph 2 of Schedule 6 to the 2008 Act applies; and

(b) on a day when the offender's bail was subject to the relevant conditions, the offender was also subject to requirements imposed for the purpose of securing the electronic monitoring of the offender's compliance with—

(i) a curfew condition imposed under section 250(5) of the 2003 Act (requirement for early release under section 246 to include a curfew condition) or section 37A of the 1991 Act(**4**) (requirement for early release under section 34A to include a curfew condition);

(ii) a requirement imposed under section 103(6) of the Powers of Criminal Courts (Sentencing) Act 2000(**5**) (requirements of supervision under a detention and training order) to remain at one or more specified places for a specified number of hours in any given day during the period beginning on the day on which the offender is released early from detention and training under section 102(4) of that Act (early release from a detention and training order) and ending on the half way point of the term of the detention and training order;

(iii) a licence condition imposed following release from prison under Chapter 6 of Part 12 of the 2003 Act or Part 2 of the 1991 Act(**6**) (early release of prisoners);

(iv) a curfew requirement, as defined by section 204 of the 2003 Act (curfew requirement), imposed as part of a suspended sentence order, as defined by section 189(7) of the 2003 Act (suspended sentences of imprisonment), or as part of a community order, as defined by section 177 of the 2003 Act (community orders); or

(v) a curfew order imposed under section 37(1) of the Powers of Criminal Courts (Sentencing) Act 2000(**7**) (curfew orders for persons aged under 16); or

(**4**) Section 37A was inserted by section 100(1) of the Crime and Disorder Act 1998 (c.37). Section 37A was repealed by sections 303(a) and 332 of, and Part 7 of Schedule 37 to, the Criminal Justice Act 2003 (c.44), but is subject to savings provisions in paragraphs 14 and 19 of Schedule 2 to The Criminal Justice Act 2003 (Commencement No.8 and Transitional and Savings Provisions) Order 2005 (S.I. 2005/950).

(**5**) 2000 c.6.

(**6**) Part 2 was repealed by sections 303(a) and 332 of, and Part 7 of Schedule 37 to, the Criminal Justice Act 2003 (c.44), but is subject to savings provisions in Schedule 2 to The Criminal Justice Act 2003 (Commencement No.8 and Transitional and Savings Provisions) Order 2005 (S.I. 2005/950).

(**7**) Section 37(1) was amended by section 304 of, and paragraphs 90 and 97(1) and (2) of Part 1 of Schedule 32 to, the Criminal Justice Act 2003 (c.44).