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

DRAFT STATUTORY INSTRUMENTS

# 2005 No.

# CRIMINAL LAW, ENGLAND AND WALES

## The Remand in Custody (Effect of Concurrent and Consecutive Sentences of Imprisonment) Rules 2005

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|---|---|
| *Made - - - -* | *2005* |
| *Coming into force - -* | *2005* |

The Secretary of State, in exercise of the powers conferred upon him by section 240(4)(a) of the Criminal Justice Act 2003(**1**) hereby makes the following Rules, a draft of which has been laid before and approved by resolution of each House of Parliament:

**1.**—(1) These Rules may be cited as the Remand in Custody (Effect of Concurrent and Consecutive Sentences of Imprisonment) Rules 2005 and shall come into force on the day after the day on which they are made.

(2) In these Rules "the 2003 Act" means the Criminal Justice Act 2003.

**2.** Section 240(3) of the 2003 Act does not apply in relation to a day for which an offender was remanded in custody—

(a) if on that day he was serving a sentence of imprisonment (and it was not a day on which he was on licence under Chapter 6 of Part 12 of the 2003 Act or Part 2 of the Criminal Justice Act 1991(**2**));or

(b) where the term of imprisonment referred to in subsection (1) of that section is ordered to be served consecutively on another term of imprisonment, if the length of that other term falls to be reduced by the same day by virtue of section 67 of the Criminal Justice Act 1967(**3**).

(**1**) 2003 c.44.
(**2**) 1991 c.53.
(**3**) 1967 c.80. Section 67 is prospectively repealed by the Crime (Sentences) Act 1997, s56 Sch 6. Relevant amending Acts are the Police and Criminal Evidence Act 1984 (c.60), s49; the Criminal Justice Act 1972 (c.71), s64(1), Sch5; the Criminal Justice Act 1988 (c.33) s130; the Children Act 1989 (c.41), s108(5), Sch 13; the Criminal Justice Act 1991 (c.53), s100, Sch 11; the Powers of Criminal Courts (Sentencing) Act 2000 s165, Sch 9.