



The Sentencing Guidelines Committee

## Stage Six: Reduction – bail conditions (curfew)

1. Any day on bail during which a person is subject to a qualifying curfew (at least 12 hours per day) counts as part of a term of imprisonment under the sentence<sup>1</sup>.
2. Once a court has pronounced the term of imprisonment the duration of the custodial part of the sentence of imprisonment (before release on licence) is calculated administratively and in accordance with the relevant statutory provisions<sup>2</sup>.
3. In these circumstances sentencers should not make any further reduction in sentence and should explain to the offender that the appropriate reduction will be made administratively.
4. Where the offender:
  - has been subject to a qualifying curfew (at least 12 hours per day) but is sentenced to a suspended custodial sentence, community order, fine or other disposal, or the offender has been subject to a non-qualifying curfew (less than 12 hours per day); and
  - the sentencer reaches the conclusion that the time spent subject to a curfew has not already been reflected in the sentence (for example by suspending the sentence; or in the extent of any community penalty; or amount fined);

then the sentencer should consider making a reduction to reflect the fact that the offender has spent time subject to a bail curfew condition that has not already been taken into account in some other way when deciding sentence.

5. The amount of the reduction is at the discretion of the sentencer and should reflect the period of curfew hours and the overall time during which the offender was subject to the curfew. It will not be appropriate to attempt to apply a mathematical formula.

---

<sup>1</sup> Section 160 Criminal Procedure and Evidence Ordinance 2014

<sup>2</sup> Section 563 Criminal Procedure and Evidence Ordinance 2014.