



Powers of Criminal Courts Act 1973

1973 CHAPTER 62

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Imprisonment, Borstal training and detention: general provisions

18 General power of Crown Court to impose sentence of imprisonment on conviction on indictment

- (1) Where a person is convicted on indictment of an offence against any enactment and is for that offence liable to be sentenced to imprisonment, but the sentence is not by any enactment either limited to a specified term or expressed to extend to imprisonment for life, the person so convicted shall be liable to imprisonment for not more than two years.
- (2) A person convicted on indictment of an attempt to commit an offence for which a maximum term of imprisonment is provided by any enactment shall not be sentenced to imprisonment for a term longer than that to which he could be sentenced for the completed offence.

19 Restriction on imposing imprisonment on young offenders

- (1) Neither the Crown Court nor a magistrates' court shall impose imprisonment on a person under seventeen years of age.
- (2) No court shall impose imprisonment on a person under twenty-one years of age unless the court is of opinion that no other method of dealing with him is appropriate; and for the purpose of determining whether any other method of dealing with any such person is appropriate the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.

Status: This is the original version (as it was originally enacted).

- (3) Where a magistrates' court imposes imprisonment on any such person as is mentioned in subsection (2) above, the court shall state the reason for its opinion that no other method of dealing with him is appropriate, and cause that reason to be specified in the warrant of commitment and to be entered in the register.
- (4) In this section "impose imprisonment" means pass a sentence of imprisonment or commit to prison in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone.
- (5) For the purposes of this section and of section 20 of this Act the age of a person shall be deemed to be that which it appears to the court to be after considering any available evidence.

20 Restriction on imposing sentences of imprisonment on persons who have not previously served prison sentences

- (1) No court shall pass a sentence of imprisonment on a person of or over twenty-one years of age on whom such a sentence has not previously been passed by a court in any part of the United Kingdom unless the court is of opinion that no other method of dealing with him is appropriate; and for the purpose of determining whether any other method of dealing with any such person is appropriate the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.
- (2) Where a magistrates' court passes a sentence of imprisonment on any such person as is mentioned in subsection (1) above, the court shall state the reason for its opinion that no other method of dealing with him is appropriate, and cause that reason to be specified in the warrant of commitment and to be entered in the register.
- (3) For the purposes of this section—
 - (a) a previous sentence of imprisonment which has been suspended and which has not taken effect under section 23 of this Act or under section 19 of the Treatment of Offenders Act (Northern Ireland) 1968 shall be disregarded; and
 - (b) "sentence of imprisonment" does not include a committal or attachment for contempt of court.
- (4) Subsection (1) above does not affect the power of a court to pass sentence on any person for an offence the sentence for which is fixed by law.

21 Restriction on imposing sentences of imprisonment, Borstal training or detention on persons not legally represented

- (1) A magistrates' court on summary conviction or the Crown Court on committal for sentence or on conviction on indictment shall not pass a sentence of imprisonment, Borstal training or detention in a detention centre on a person who is not legally represented in that court and has not been previously sentenced to that punishment by a court in any part of the United Kingdom, unless either—
 - (a) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance ; or
 - (b) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.

- (2) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is found guilty and before he is sentenced, and in subsection (1)(a) and (b) above "legal aid" means legal aid for the purposes of proceedings in that court, whether the whole proceedings or the proceedings on or in relation to sentence; but in the case of a person committed to the Crown Court for sentence or trial, it is immaterial whether he applied for legal aid in the Crown Court to, or was informed of his right to apply by, that court or the court which committed him.
- (3) For the purposes of this section—
- (a) a previous sentence of imprisonment which has been suspended and which has not taken effect under section 23 of this Act or under section 19 of the Treatment of Offenders Act (Northern Ireland) 1968 shall be disregarded;
 - (b) "sentence of imprisonment" does not include a committal or attachment for contempt of court; and
 - (c) "detention centre" means in relation to Northern Ireland young offenders centre.